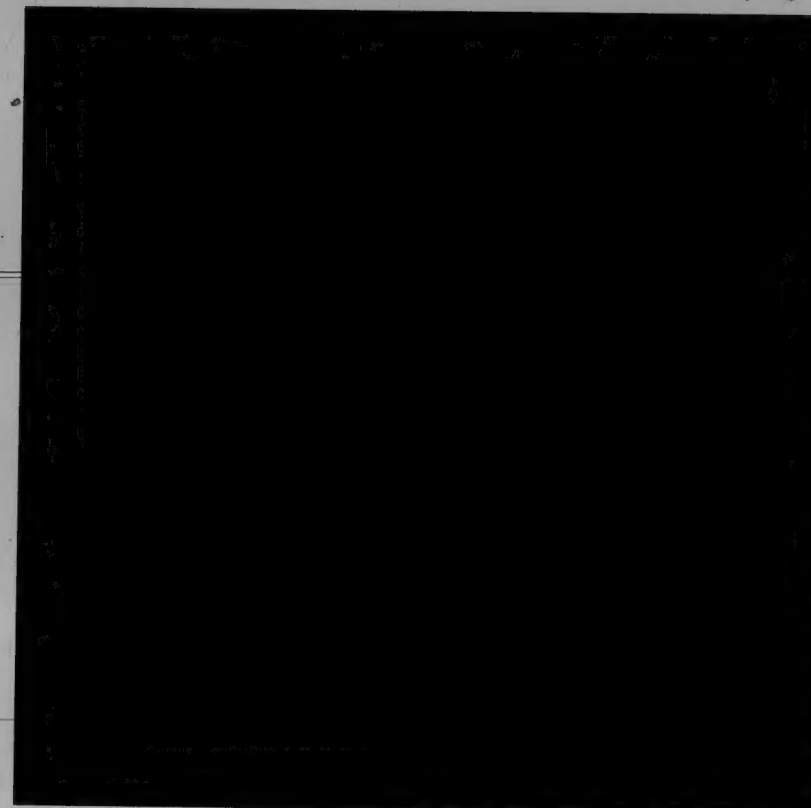
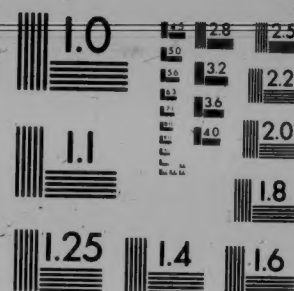
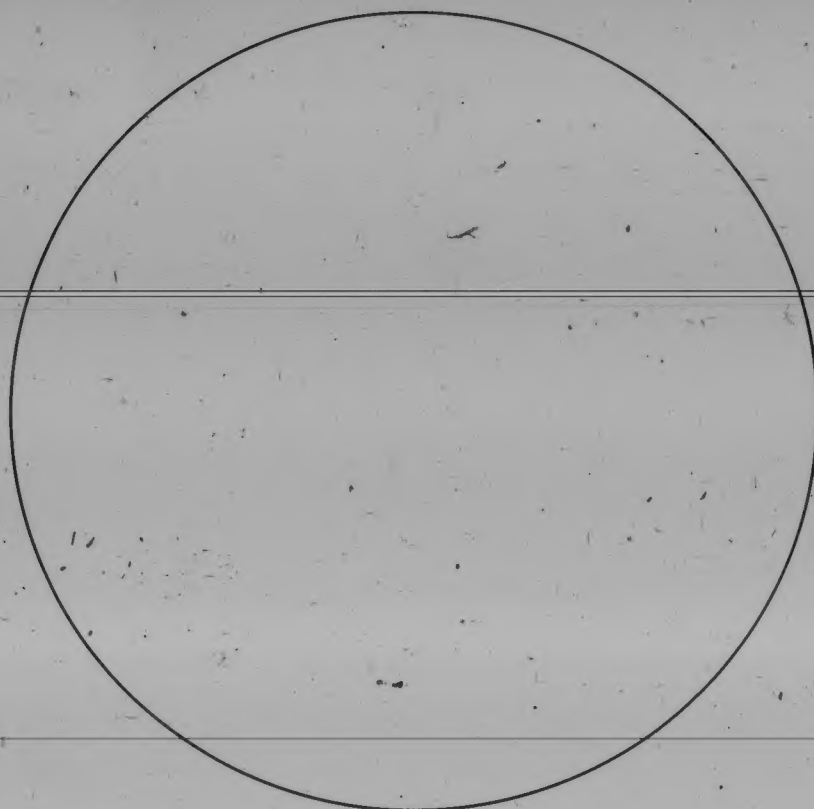
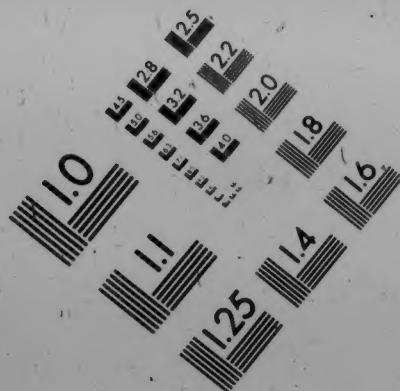
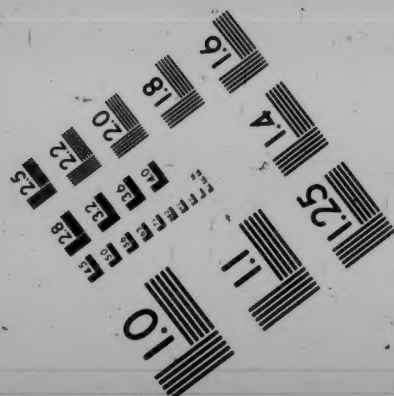
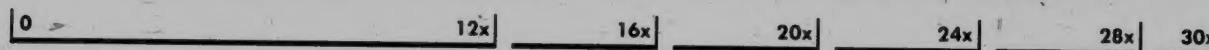


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. November, 30th 1900

In the matter of the application of Wallace M. Smith for the enrollment of his three children Clarence L., Maude A. and Freeman C. Smith as Cherokee citizens. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name Wallace M. Smith.

Q How old are you? A. 54.

Q What is your post office? A. Allowee

Q What is your district, Cooweescoowee? A. Yes sir

Q Do you apply for the enrollment of yourself? A. Myself and three children.

Q Are you a white man? A. Yes sir.

Q Do you apply as a Cherokee by intermarriage? A. Yes sir.

Q How often have you been married? A. Two times.

Q Who did you marry the first time? A. George Raby, a Cherokee citizen

Q Where were you married to her? A. Eufala, at her sisters.

Q When were you married to her? A. There is the certificate.

Q First of January, 1880? A. Yes sir.

Q Are you on the roll of 1880? A. I dont know I think I am.

Q Did you get a Cherokee license when you married your wife? A. No sir.

Q Was she a Cherokee by blood? A. Yes sir.

Q How long did you live with her? A. Until 4 years ago when she died.

Q She was a Cherokee by blood was she? A. Yes sir.

Q Was she ever married before she was married to you? A. No sir.

Q Were you ever married before you married her? A. No sir.

Q What was her fathers name? A. Raby, he was a white man killed at Webbers Falls.

Q What was his given name? A. I dont know.

Q Do you know what her mothers name was? A. No sir I dont know.

Q How old was your wife when she died? A. 41. That is the date on her tombstone.

Q Are you on any roll of the Cherokee Nation? A. No sir I dont think so.

Q Are these children of that Cherokee wife? A. Yes sir I got their names from the bible this morning.

Q The oldest one is Clarence L. is it? A. Yes sir.

Q 19 years old? A. Yes sir.

Q Next child is Maude A. is it? A. Yes sir.

Q 15 years of age? A. Yes sir.

Q Next is Freeman C., is that right? A. Yes sir.

Q 12 years old? A. Yes sir.

Q Are they all living now? A. Yes sir.

Q Did your wife lived in the Cherokee Nation from the time she married you until she died? A. Yes sir, all her life.

Q Where was she in 1880? A. Mile and a half from the line visiting her sister Mrs. Willison in the Creek Nation.

Q Did she have any sisters? A. Yes sir two half sisters, Dollie and Mary Mackey.

~~Q What was the name of the mother of the children?~~

Q Were they both unmarried in 1880? A. Dollie was single, Mary was married.

Q What was Mary's name in 1880? A. Willison.

Q Did they have the same mother? A. Yes sir.

1896 roll, page 354, No 4377, Georgia R. Smith, Cooweescoowee, N. C.	
1896 254 4378 Clarence Smith	"
1896 254 4379 Maude A. Smith	"
1896 254 4380 Freeman Smith	"

Q Had your wife no full brothers or sisters? A. No sir.

Q She was an only child wasnt she? A. Yes sir.

Q Her mother was a former wife of Mary Mackeys father? A. I think so

Q What was Mackeys given name? A. Couldnt tell.

Q Do you know what official position he held at any time? A. No sir

Q Do you withdraw the application for yourself? A. Yes sir.

Wallace H. Smith 2.

1242
The applicant applies for the enrollment of his three children, children by his former wife. He makes no application for himself. He swears that he was married to his first wife in Cherokee with Cherokee laws and he presents a certificate of marriage showing that he and his wife were married in Cherokee January 1st 1890. This is filed herewith. He states that as far as he knows she lived in the Cherokee Nation all her life, and that he and she lived together as husband and wife until some three years ago when she died. She is not identified on the roll of 1890, but she is identified on the 1896 roll. The three children named in the testimony are identified on the 1896 roll; they are living now. It is not considered that the status of the applicant's now deceased wife as to Cherokee citizenship has been established to the satisfaction of the Commission, and therefore these children will now be listed as Cherokees by blood but on a doubtful card for further consideration to await further evidence of their mother's Cherokee citizenship.

Chas. von Weise being sworn states that as stenographer to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 21st of November, 1900.

McDew
Commissioner.

242

DECEMBER 11 1900
H. H. H. H. H.
COMMISSION TO THE
H. H. H. H. H.

visit to the water across the trackline
Q That is just before you started to work?
there was a small water?
Q How far was it from the water?
perhaps 100 feet or more of water.

The air.
The air, and was over
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The undersigned, being sworn, states that
Commission to the five Civilized Tribes, he
testimony and proceedings in the case, and
true and complete transcript of his testimony.

Attest: I am the
undersigned, and the
undersigned, and the
undersigned, and the

Subscribed and sworn to before me this 11th day of December, 1900.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TANQUAH, I.T., DECEMBER 4th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF THE CHILDREN OF WALLACE L. SMITH, CASE NO. 2046.
Henry C. Lowry, being sworn and examined by Commissioner, C. R. Breakinridge, testified as follows:

- Q Give me your full name? A Henry C. Lowry.
Q How old are you? A Fifty one.
Q What is your Postoffice? A Muskogee.
Q In what district do you live? A Canadian.
Q You want to give some additional testimony I believe in the application of Mr. Wallace L. Smith for the enrollment of his children? A Yes sir.
Q The question is in regard to the citizenship of his deceased wife: It appears that her name is not found on the roll of 1880: Can you explain why she is not on the roll of 1880?
A No sir, I can not.
Q You knew her, did you? A Yes sir.
Q What was her name? A Georgia Baby.
Q Was she born in the Cherokee Nation? A I do not know that: I never knew her until she was a good sized girl.
Q You knew her before the roll of 1880 was made? A Yes sir.
Q Did you know her mother? A No sir.
Q Did you know her father? A No sir.
Q What knowledge have you relating to her right to be considered as a Cherokee? A She was in a Cherokee family, and always considered a Cherokee.
Q There never was any question entertained about her not being a Cherokee? A No sir.
Q Her mother died before you knew the girl? A Yes sir.
Q And you did not know her mother? A No sir.
Q What sisters did she have? A Mary and Dollie Macky.
Q Were they full sisters or half sisters?
A They were half sisters.
Q They had the same mother, did they? A Yes sir, that was the understanding.
Q They were half sisters through their mother? A Yes sir.
Q Was Macky, the father of Mary and Dollie a white man or a Cherokee? A Cherokee.
Q And Baby: What was he? A I think he was a white man.
Q Have you any knowledge whether the mother of Dollie, Mary and Georgia; the mother of these three children: Have you any knowledge as to whether their mother was a Cherokee woman?
A No sir, only by the connection.
Q You do not know of your own knowledge? A No sir.
Q Do you know whether this woman, Georgia Baby, was ever admitted to the Cherokee Orphan Asylum? A I do not know.
Q Was she generally recognized as a Cherokee by blood? A Yes sir.
- By Mr. J. L. Baugh, Cherokee Representative:
Q Do you know where she was living in 1880? A No sir.

McGoy Smith, being sworn and examined by Commissioner, C. R. Breakinridge, testified as follows:

- Q Give me your full name? A McGoy Smith.
Q How old are you? A Fifty four.
Q What is your Postoffice? A Briggs Station.
Q In what district do you live? A Canadian.
Q How long have you lived in the Cherokee Nation?
A Fifty four years.
Q All your life? A Yes sir.
Q You and Mr. Lowry, who testified just now, are both members of the Cherokee Council, are you not? A Yes sir.

- Q Did you know Georgia Raby? A Yes sir.
- Q She was married to Wallace M. Smith, I believe?
- A I do not know who she married.
- Q You knew her in her childhood? A Yes sir.
- Q Did you know her mother? A Yes sir.
- Q She died before 1860, did she? A Yes sir.
- Q Was her mother a Cherokee woman? A Yes sir.
- Q About what proportion of Cherokee blood do you think she had?
- A About one fourth; she may have been more than that; Her mother and father were both Cherokees.
- Q Raby himself was a white man; So Georgia Raby got her Indian blood through her mother? A Yes sir.
- Q Do you know of any descendants of this Georgia Raby that are likely to be found on the roll of 1860? Any son or daughter?
- A No sir, I do not.
- Q Do you know of any son or daughter of Georgia Raby's mother that will be found on the roll of 1860? A She has two sisters, Mary and Dollie Macky; Mary is the oldest; Dollie is the youngest.
- Q Mary and Dollie Macky? A Yes sir.
- Q That was their name before they were married? A Yes sir.
- Q Are they still living? A I think they are.
- Q They are half sisters of Georgia Raby, through their mother?
- A Yes sir.
- Q And the father of Mary and Dollie Macky was a Cherokee himself?
- A Yes sir.
- Q In 1860, Dollie Macky was not married? A No sir, I do not think she was.
- Q But Mary Macky was married? A Yes sir.
- Q What is the name of the father of Mary and Dollie Macky?
- A William Macky; I think he died in 1877 about 1877.
- Q Was Georgia Raby born in the Cherokee Nation? A Yes sir, at Webbers Falls.
- Q What did she do in the way of living outside of the Cherokee Nation? A I think it was in 1874 the last account I had of her; I saw her up at Tazewell; She was living with her grand mother, about seven miles back from Tazewell this way.
- Q Did she teach school in the Creek Nation? A I do not know.
- Q She had relatives over there? A Yes sir.
- Q She was married more than once, was she not?
- Q I do not know that she was ever married at all.
- Q How long since Georgia Raby died? A I do not know.
- Q Have you any idea how old she would be if she were living now?
- A She was born about 1860 or 1861; Her father was killed I think in 1861.
- Q She was a little infant then? A Yes sir, she was born a little while after that, or a little while before; I do not remember which.
- Q She was still a minor when the roll of 1860 was taken?
- A Yes sir.

Wallace M. Smith, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q Your name is Wallace M. Smith? A Yes sir.
- Q Mr. Smith, when was it that your wife, George Smith (Raby) died?
- A She died about the 19th day of February four years ago I think; I may be mistaken; four or five years ago.
- Q You married her here in the Cherokee Nation at Tazewell?
- A Yes sir.
- Q Did you and she live together in the Cherokee Nation from the time of your marriage until the time of her death?
- A Every minute, Yes sir.
- Q Did she draw Cherokee Strip money? A Yes sir, she drew her money.
- Q And I believe you stated in your former application that the reason she was not on the roll of 1860 was because she was on a

Q Now, did you see the cross light? A Yes sir.
 Q And did you see the woman who was with him?
 A Yes sir, she was with him.
 Q Did you see the man who was with her?
 A Yes sir, he was with her.
 Q Did you see the man who was with her?
 A Yes sir, he was with her.

The undersigned, being sworn, states that as stenographer to the Commission to Investigate the Causes of the Civilian Deaths, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens

Subscribed and sworn to before me this 4th day of December, 1900.

[Signature]

COMMISSIONER.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL IN the matter of the enrollment of CLARENCE L. SMITH, ET AL., as citizens of the Cherokee Nation; testimony introduced on part of applicants:

The applicant's father, Wallace M. Smith, was notified by registered letter February 19, 1902, that the application of his children for enrollment as Cherokee citizens would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appear by their father.

Mr. W. W. Hastings, Cherokee Representative, present.

WALLACE M. SMITH, being duly sworn, testified as follows, being additionally cross-examined by the Cherokee Nation:
MR. HASTINGS:

Q Your name is Wallace M. Smith? A Yes, sir.
Q Your post office is Alluwe? A Yes, sir.
Q Where did you live the first year after you and your wife, Georgia married? A We just lived at various places; we boarded at the Strokes Hotel here in town, and at Triplett's at Briar Town. We never had any home for the ~~year~~ first year until I bought 15 miles east of Vinita.
Q I am not asking you about 1880 A Part of the time we was here in this town, boarded at Mr. Strokes Hotel.

COMMISSION:

Q Is there any further statement you wish to make relative to the enrollment of your children? A I wish to introduce testimony that they are Mrs. Smith's children; also by her uncle here that she is a natural born Cherokee citizen.

ELLA D. HARVISON, being duly sworn, testified as follows on part of the applicants:

COMMISSION:

Q What is your name? A Ella D. Harvison.
Q How old are you? A I am 37 years old.
Q What is your post office address? A Gibson Station.
Q Are you acquainted with the applicants in this case, the children of Wallace M. Smith and his wife, Georgia Smith? A Yes, sir.
Q Did you know his wife? A I did.
Q When did you first become acquainted with her? A I can't hardly tell, she was my half sister.
Q By the same mother or same father? A Same mother.
Q Are you a recognized citizen of the Cherokee Nation? A I am Cherokee by blood.
Q Your name is on the roll of 1880? A I don't know whether it is on there or not.
Q Did your sister prior to her death make the Cherokee Nation her home all the time? A Yes, sir.
Q Was she always recognized as a Cherokee citizen? A Yes, sir.
Q Did you ever hear her rights disputed in any manner? A No, sir.
Q She is the mother of these three children, Clarence L., Maud A.

and Freeman C.? A Yes, sir.

Q The children are living at this time? A Yes, sir.

MR. HASTINGS:

Q Which was the older you or she? A She was the older.

Q How much? A She was about eight years older than I.

Q You can remember back for 30 years, can you? A Yes, sir.

Q Where was she living then? A Cherokee Nation.

Q Please tell me; I want to know in what district? A Canadian district.

Q Did she live there up until her marriage? A Yes, sir.

Q All the time? A Yes, sir.

Q She was married January 1, 1880 according to the certificate filed
A Yes.

Q What was your mother's name? A Nancy Drew.

Q What relation was she to John Drew? A She was his sister.

Q Full sister? A Half sister, same father.

Q Now, a while ago when you were asked if you were a citizen by blood you said you had Cherokee blood; are you a citizen of the Cherokee Nation? A I don't know, I have been out of the Nation for several years; I don't know whether I am on the roll or not.

Q Are you a citizen of the Creek Nation? A I suppose I am.

Q Haven't you been enrolled and taken an allotment over here?
A Yes, sir.

Q Wasn't this woman a Creek? A No, sir.

Q She was only Cherokee? A Yes, sir.

Q You got your Creek from your father's side? A No, sir.

Q You didn't? A No, sir.

Q Well, don't you know whether you have been enrolled over here in the Creek Nation? A Yes, sir, I have.

Q Where did you get your Creek blood then? A I haven't got any.

JOHN T. DREW, being duly sworn, testified as follows on part of applicants:

COMMISSION:

Q What is your name? A John T. Drew.

Q How old are you? A 57.

Q What is your post office address? A Fort Gibson.

Q Are you acquainted with the applicants in this case, Wallace M/Smith and Georgia Smith? A I am acquainted with Georgia Smith.

Q Are you related to her? A Yes, sir; she is a niece of mine.

Q Was her mother your sister? A Yes, sir, half sister.

Q Did you have the same mother or same father? A Same father.

Q Where did Georgia Smith live prior to her death? A Well, for the last few years, after she married, I don't know ~~she~~ where she did live, Cooweescoowee or Delaware.

Q Do you know that she has lived in the Cherokee Nation? A Yes, sir; that has been my information.

Q Where was she living from her birth up until she married?

A Canadian District, Cherokee Nation.

Q Was her mother a Cherokee? A Yes, sir.

Q When did her mother die? A I don't remember just when she did die; while after the war.

Q When did Georgia Smith die? A I don't know.

Q Had she always been recognized as a citizen of the Cherokee Nation
A Yes, sir.

Q Did you ever hear her right disputed? A No, sir.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Was Georgia Smith's father a white man or Cherokee?

A He was a white man.

MR. HASTINGS:

Q You know where Georgia Smith was born? A I am not positive about that; but I think she was born in Canadian, I think right at Webbers Falls.

Q Her mother was a recognized half sister of yourself? A Yes, sir.

Q Younger than you? A No, sir, older.

Q Was her mother a Cherokee? That is, George Smith's mother's mother? A Grandmother, yes, sir, she was a recognized Cherokee.

Q You and her mother had the same father? A Yes, sir.

WALLACE M. SMITH, recalled:
COMMISSION:

Q Is there any further statement you desire to make relative to this application? A That is all I know of that can be proven.

Q Do you submit the case? A Yes, sir.

Commission: The father of the applicants and representative of the Cherokee Nation present submit the case. The same will be considered completed and will be reported to the Commission for final ~~decision~~ decision based upon the evidence now of record.

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I, J. O. Ronson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Ronson
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clarence L. Smith, Maude A. Smith and Freeman C. Smith as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 20, 1900, Wallace W. Smith appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his three minor children Clarence L., Maude A. and Freeman C. Smith, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 4, 1900, and again at Muskogee, Indian Territory, on March 11, 1902.

The evidence shows that Wallace W. Smith is a white man, and was married on the first day of January, 1880, in accordance with the laws of the Creek Nation, to one Georgia Raby, who he claims was a citizen by blood of the Cherokee Nation. She is not identified on the Cherokee Authenticated Tribal Roll of 1880, and the reason therefor is she was visiting her sister in the Creek Nation at the time of the preparation of said roll. Georgia Smith, nee Raby, is identified on the Cherokee Strip Payment Roll of 1894. Her death occurred on the 19th day of February, 1896. Clarence L. Smith, Maude A. Smith and Freeman C. Smith are identified on the Cherokee Strip Payment Roll of 1894, also on the Cherokee Census Roll of 1896, as native Cherokees. Georgia Smith, nee Raby, lived in the Cherokee Nation continuously from the time of her marriage up to the time of her death. It is considered that the residence of the minor children, the applicants in this case, has been continuously in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Clarence L. Smith, Maude A. Smith and Freeman C. Smith should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 26, 1896, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 848.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Wallace M. Smith for the enrollment of his three minor children, Clarence L., Maude A. and Freeman C. Smith, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 31.

Clarence L. Smith

FOR ENROLLMENT AS

out of

CHEROKEE CITIZENS.

A Original Testimony of 11/20/00

A Memo. of Application of 11/20/00

A Supplemental Testimony of 12/4/00

A Certificate of Marriage

E Notice of final Consideration, 3/11/02

F Subscribed and sworn to 3/11/02

Transferred to the office packet 4795

Cher D 849

Cher D 849

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelms, I.T., November 20th, 1900.

In the matter of the application of Susie Parks for the enrollment of her half sister, Fanny Puckett, as a Cherokee citizen; she being duly sworn before Commissioner Breckinridge, testified as follows:

- Q What is your full name? A Susie Parks.
Q How old are you? A 21.
Q What is your post office? A Chelms.
Q Do you live in Coconawanna district? A Yes, sir.
Q You want to apply for the enrollment of your half sister, do you?
A Yes, sir.
Q What is her name? A Fanny Puckett.
Q Do you apply for her as a Cherokee by blood? A Yes, sir.
Q How old is she? A About 13.
Q She is an orphan is she? A Yes, sir.
Q Give me the name of her father? A J. L. Puckett.
Q Is her father a Cherokee? A No, sir.
Q A white man? A Yes, sir.
Q Give me the name of her mother? A Ara Puckett.
Q When did her father die? A He is not dead.
Q Then she is ~~an orphan~~ only an orphan as to her mother? A Yes, sir.
Q When did her mother die? A I do not know.
Q Has this child, Fanny, been in an orphan asylum? A No, sir.
Q Ara Puckett was also your mother? A Yes, sir.
Q Was your father her first husband? A Yes, sir.
Q What was the maiden name of your mother, ara Puckett? A Ara Hilderbrand.
Q Was Fanny Puckett born in the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q Where was Ara Puckett born? A Here in the Cherokee Nation.
Q How old would Ara Puckett be in she were living now? A I do not know.
Q Do you think she would be all of 40? A Yes, sir.
Q And you think she was born in the Cherokee nation? A Yes, sir.
Q She lived here all her life? A No, sir, she lived in Tennessee part of the time.
Q Do you remember when your mother came to the Cherokee nation? A No, sir.
Q Was she admitted to Cherokee citizenship? A Yes, sir.
Q Do you think your mother came here in '81 as a North Carolina Cherokee? A Yes, sir.
Q Your mother, through some neglect, was not enrolled when she came here, was she? A No, sir.

Q LAURA R. PARKS called and sworn as a witness, testified as follows:

- Q What is your full name? A Laura R. Parks.
Q How old are you? A 46.
Q What is your post office? A Chelms.
Q How long have you lived in the Cherokee Nation? A Since 1880.
Q This child, Fanny Puckett, are you acquainted with her? A Yes, sir.
Q It seems that Ara Puckett, whose maiden name was Hilderbrand, was not enrolled in 1881? A No, sir, he went down to Muskogee as we supposed to have them enrolled or registered with the Agent and we never knew why he had failed to do so. We thought that he had gone there to have them enrolled; he left his wife and child at our house and went to Muskogee and staid two days, and it seems never enrolled them.
Q Did Ara live here from that time until she died? A Yes, sir.

Basic Facts--1.

Q. Was this child Fanny Puckett born in the Cherokee nation? A.

Yes, sir.

1896 Roll, page 224, 22511, Fanny Puckett, Cowpens, N. C.
Note: "Daughter of Ora Hildbrand, deceased."

The applicant applies for the enrollment of a half sister Fanny Puckett, 13 years of age. It appears from the testimony that the mother of this child, who was also the mother of applicant, came to the Cherokee nation in 1841 with the North Carolina Cherokees, but through an oversight of her husband at that time, she was not enrolled as is shown by the testimony. It is also shown that she continued to live in the Cherokee nation until she died, and that this child was born in the Cherokee nation, and has lived here all its life. She is identified on the 1896 roll as a native Cherokee and will be listed now for enrollment on a Dashed Card as a Cherokee by blood for the further consideration of its right.

Supplemental Testimony of Laura R. Parks:

Q. What is the post office of this child, Fanny Puckett? A. It must be Claremore.

Q. Do you know where it is living with now? A. With her father I suppose.

Supplemental Judgment:

It appears that application has been made by the step-mother of this child, the present wife of J. E. Puckett, for the enrollment of herself and family, but she did not apply for this child.

Chas. Von Weise, being first duly sworn, states upon his oath that as Stenographer to the Commission to the Five Civilized Tribes, he reported all the above proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 26th day of November, 1900

M. D. Jones
Commissioner

Supl.-C.D.#849.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of FANNIE PUCKETT
as a citizen of the Cherokee Nation:

The applicant's guardian, Susie Parks, was notified by registered letter February 19, 1902, that the application of her ward, Fannie Puckett, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting said application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that the case of Fannie Puckett is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

I, J. O. Robson, ~~being duly sworn~~, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Robson

Before the Department of the Interior,
Washington.

Cherokee Card Field No 3508.

Transferred to Cherokee R # 849.

In Re:

The application for the enrollment
of Allie Williams as a citizen of the
Cherokee nation.

Brief on part of the Cherokee Nation.

STATEMENT:

The record in this case shows that Allie Williams applied to the Commission to the Five Civilized Tribes at Vinita I. T. on September 26, 1900 for enrollment as a citizen of the Cherokee nation; That her application for enrollment was denied by the Commission on February 2nd 1903 and the decision of the Commission was affirmed by the Honorable Secretary of the Interior on March 10th 1903.

Counsel for applicant has served a copy of a motion to reopen said cause and asks that the case be remanded to the Commission to the Five Civilized Tribes for a new hearing.

The Cherokee Nation protests against reopening this case.

ARGUMENT.

The testimony in this case shows that the applicant was born in North Carolina; was admitted to citizenship in the Cherokee Nation December 2nd 1892; that she came to the Cherokee nation first in 1896; that she was thirty-one years of age when she made application to the Commission; hence she must have been twenty-seven years of age in 189 when she removed to the Cherokee Nation in 1896; we see no particular reasons for emphasizing the objections we have heretofore urged against the applicant in as much as the decision of the Commission; and the letter of the Commissioner of Indian Affairs recommending the approval of the decision of the Commission; and the letter of the Honorable Secretary of the Interior con-

#2.

firming the decision of the Commission, all concur in the opinion that the applicant should not be enrolled because she failed to comply with the Act of the National Council of the Cherokee Nation approved December 4th 1894, which provides;

"All persons who have been or may hereafter be readmitted to citizenship in the Cherokee nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided that nothing in this act shall bar minors and orphans."

The applicant makes no pretense of having complied with the provisions of this act of the Cherokee National Council. Prior to June 10, 1896 when the question of Cherokee Citizenship was taken away from the Cherokee Nation, the Cherokee Nation alone had the right to determine who were its citizens. This was determined in the case of the Eastern Cherokees vs the Cherokee Nation and the United States, wherein the court determined that if any one should become a citizen of the Cherokee Nation they must conform to the constitution and laws of the Cherokee nation and be readmitted in accordance with the Constitution and laws of the Cherokee nation. In other words the Cherokee authorities had exclusive jurisdiction of the question of Cherokee citizenship and on December 4th 1894 finding that a great many parties had been readmitted to citizenship and were continuing to reside in foreign states the act was passed by the National Council giving all people who desired to become citizens of the Cherokee Nation six months within which to remove to and permanently locate within the limits of the Cherokee nation. We believe that the decision of the Commission was rightfully approved by the Secretary of the Interior upon the recommendation of the Commissioner of Indian Affairs and that it should not now be disturbed. Reference is also made to the case of Berley E. Geary et al Cherokee D # 831 and *nam Bouda et al CD 838*

Respectfully,

W W Hastings
Attorney for the Cherokee Nation.

IN THE MATTER OF THE APPLICATION OF

MEMPHIS CITIZENS

original testimony of

Notice of final consideration

vide above testimony of

Re...

Cher D 850

Cher D 850

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~~5676~~ A.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 27 1900



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., November 20, 1900.

In the matter of the application of Henry Barnett for the enrollment of himself and stepchild as Cherokees of Shawnee blood, and his wife as a Cherokee by intermarriage; he appearing before the Commission, and being duly sworn and examined, testified as follows:

- Q What is your name? A Henry Barnett.
Q How old are you? A 25.
Q What is your post office address? A Catalon.
Q Are you a Cherokee by blood? A I, am a Shawnee.
Q What degree of Shawnee blood do you claim? A I don't know, half bred.
Q For whom do you make application; have you a wife and children?
A Yes, sir.
Q How many children? A One.
Q Do you apply for your wife? A No, sir.
Q You don't apply for her? A Yes, sir, I apply for her.
Q How long have you actually resided in the Cherokee Nation? A All my life.
Q Have you been outside the Cherokee Nation within the past three years? A No, sir.
Q What is the name of your father? A Cassius Barnett.
Q Is your father living? A No, sir.
Q Is he a Cherokee or a Shawnee? A Shawnee.
Q What is the name of your mother? A Rebecca Barnett.
Q Is she living? A No, sir.
Q What a Shawnee? A Yes, sir.
Q Does your name appear upon the roll of 1880? A Yes, sir.
Q In what district were you living in at that time? A Tahlequah district.
Q In what district were you living in in 1896? A Cowles & Coonsee.
A Are you married? A Yes, sir.
Q What is the name of your wife? A Julia Elizabeth.
Q Is she living? A Yes, sir.
Q How old is she? A Twenty.
Q Is she a Cherokee or blood of a white woman? A White woman.
Q What is the name of her father? A Jesse Jackson.
Q Is he living? A No, sir.
Q What was the name of her mother? A Hollie Dougherty.
Q Is she living? A Yes, sir.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A Her mother was an adopted.
Q They are both white, are they? A Yes, sir.
Q Give me the name of your child? A It is a stepdaughter, Hollie Ruth Carpenter.
Q How old is that child? A 3 years old.
Q Is this child alive and living with you at the present time?
A Yes, sir.
Q Who is the father of the child? A W. M. Carpenter.
Q Was he a Cherokee or a white man? A He was a Shawnee.
Q Is your present wife the mother of the child? A Yes, sir.
Q When were you married to your wife? A In 1898.
Q Have you any evidence of your marriage? A I have the license.
(The applicant presents a marriage license issued by James A. Winston, on the 31st of August, 1898, authorizing the marriage of Henry Barnett and Mrs. Julia Carpenter, and a certificate showing that said ceremony was performed by J. H. Vick, a Minister of the Gospel, on the 5th day of September, 1898. The license and certificate are filed herewith.)
Q Was your wife's former husband dead when you married her? A Yes, sir.
Q When did he die? A He died in 1896 I believe.
Q What time in 1896? A I forget what time.
Q Was it in the spring or late in the fall? A In the spring I believe.

Henry Barnett - 3.

- Q Have you any evidence of your wife's marriage to her first husband?
A Nothin' only her mother in law and her sisters in law.
Q Have you any documentary evidence? A Nothin' only her name.
Q Have you any evidence of your wife's marriage to her first husband?
A No, sir, I have not.
Q Have you it at home? A I haven't any at home, the certificate is down here at Royil.
Q Where were they living at the time of their marriage? A Catalees
Q Were they married by a Minister of the Gospel? A Yes, sir.
Q What was his name? A I don't remember the name of the minister.
Q You have lived with your wife continuously since you were married to her? A Yes, sir.
Q Were you ever married before? A No, sir.
(Henry Barnett on 1880 roll, page 88, No. 841, Coconino district, adopted Delaware; on 1896 roll, page 1293, No. 1, Tablequah district, adopted Shawnee.)
Q Did William Carpenter have a wife named Fannie? A Yes, sir.
Q Is she living or dead? A I can't tell you
(William Carpenter on 1880 roll, page 84, No. 833, M. Carpenter, Coconino district, adopted Shawnee; on 1896 roll, page 1295, No. 8, William Carpenter, Tablequah district.)
Q Do you know when William Carpenter was married to your present wife? A I don't know just when they were married, at that time.
Q About what year was it? A About 1898 though, I think.
Q Did he live with her up until the time that he died? A No, sir, he didn't live with her until the time he died.
Q How long did he live with her? A I don't know just how long he lived with her.
Q Was he living with her when their children was born? A Yes, sir.
Q He died in the spring of 1898, did he? A Yes, sir.
Q And you married his wife in the fall of 1898? A Yes, sir.

The applicant applied for the enrollment of her name as a citizen of the Cherokee Nation of Oklahoma, and for the enrollment of his wife as a Cherokee citizen by inheritance, and for the enrollment of his wife's children as a citizen of the Cherokee Nation of Cherokee blood. He is identified upon the authentic roll of an adopted Delaware, and upon the authentic roll of 1868 as an adopted Shawnee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a citizen of the Cherokee Nation of Cherokee blood. He avers that his wife was married to one William Carpenter in the year 1896. The result of said marriage was one child, Mollie Ruth Carpenter. The said William Carpenter is identified on the roll of 1880 and the census roll of 1896 as an adopted Shawnee. He died sometime in the spring of 1898. The applicant has not been able to produce satisfactory proof as to the marriage of his wife to her former husband, William Carpenter, and for that reason she will be listed for enrollment as a Cherokee citizen by inheritance upon the authentic enrollment card. He produces satisfactory proof as to his marriage to her on the 1st day of September, 1898. He has lived with her continuously since that time. And for the reason that the marriage of William Carpenter and the applicant's wife has not been established, the said Mollie Ruth Carpenter, the daughter of William Carpenter and the applicant's wife, will be listed for enrollment as a citizen of the Cherokee Nation of Cherokee blood upon the authentic enrollment card, and the applicant will be required to file with the commission either the original or a certified copy of the marriage certificate showing the marriage of his wife to her former husband, William Carpenter.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 21st day of November, 1900

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CHEROKEES BY BLOOD AND ADOPTION.

Date

NOV 20 1900

1900.

Name

Catala

D. J.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Sept 11 1898

6th 1898

License

Certificate

Wife's name

Julia E. Barnett

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Father

Wm Carpenter

Intermarried citizen

Married under what law

U.S.

Date of marriage

License

Filed

NOV 20 1900

Certificate

Names of Children:

Mollie R. Carpenter

Dist.

Shawnee

Year

Page

No.

Age

3

Dist.

Year

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Age

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No.

Age

Wife of Henry Barnett

Birth affidavit required

Certificate of marriage between Wm Carpenter and Julia E. Barnett to be supplied

FILED

SEP 18 1888

[Handwritten signature]
[Handwritten initials]
NOTARY

[Handwritten signature]
[Handwritten initials]

By

Deputy

[Handwritten signature]
Clerk

this day of A.D. 1888

WITNESS my hand and seal of said Court at Muskogee, in said Territory,

Record, Page *374*

do hereby certify that the instrument hereto attached was filed for record in my office this day of *Sept* 1888 at *10* o'clock in the forenoon in Book *10* and page *10* Marriage

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,

NORTHERN DISTRICT

INDIAN TERRITORY

United States of America

22

CERTIFICATE OF RECORD

[Handwritten initials]

[Handwritten signature]

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } SS.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,
do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of
Dec 1898, at M., and duly recorded in Book 2, Marriage
Record, Page 324.

WITNESS my hand and seal of said Court at Tahlequah, in said Territory,
this 23 day of Dec A.D. 1898.

By James A. Winston Clerk.
Deputy.

FILED

SEP 16 1898

James A. Winston
Clerk

Bornest. Conductor

FILED

DEC 22 1898

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS.

No. 698

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. *Henry Barnice* of *Catala* in the Indian Territory, aged *23* years, and Mrs. *Julia Carpenter*, of *Catala* in the Indian Territory, aged *19* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at *Wineta*, Indian Territory, this *31* day of *August*, A.D. 1898.

By

J. E. Vick

Deputy.

Gas Alluviston

Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS.

I, *J. E. Vick*, a Minister of the Gospel, DO HEREBY CERTIFY, that on the *1st* day of *September* A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *5th* day of *September* A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book

*13*Page *111**J. E. Vick*

A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Supl.-C.D.#250.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of JULIA E. BARNETT, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself and child as citizens of the Cherokee nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's registered letter. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that her case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

Q You never knew of his being married before, except to Fannie + did you ever know of his having any other wife except Fannie? A And my daughter, that is all.

Q Was Fannie dead when he married your daughter Julia? A Yes sir.

Q Well after Carpenter's death your daughter married a man named Barnett? A Yes sir.

Q Give me his full name? A William Henry Barnett.

Q What is he, a Shawnee? A Yes sir.

Q Where is he now? A No, he is about dead, I guess.

Q Is his mother a Shawnee? A Yes sir.

Q Is she a full blood? A No, she is half I think.

Q Has Henry Barnett been listed for enrollment by this Commission? A Yes sir.

Q No trouble about his name? A No sir.

Q Who married your daughter to Henry Barnett, a preacher? A Yes, a preacher married them, but I don't know his name.

Q Was it at your house? A No, they married at Chelsea. I don't know who married them.

Q You know she lived with Barnett for his wife do you? A Yes sir.

Q They were recognized by everybody as man and wife? A Yes sir.

Q She is living with him at this time? A Yes sir.

This testimony will be filed in the case of Julia Barnett and also with the case of her child, Morris R. Carpenter. The special object of this testimony is to establish the legality of the marriage between Julia Barnett and her first husband, William Carpenter.

The undersigned, the day first, at the Court at Steno-grapher to the Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of July, 1907.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
White Oak, I. T., June 5, 1902.

In the matter of the application of William Daugherty for the enrollment of Julia Barnett et al. as citizens of the Cherokee Nation; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Supplemental testimony.

- Q Give me your full name. A William Daugherty.
Q How old are you? A About 53 or '4.
Q What is your postoffice? A Catalec.
Q Are you a Cherokee citizen by blood? A No sir, I am a Shawnee.
Q You have already been listed for enrollment? A Yes sir.
Q You want to give some evidence about a stepdaughter of yours don't you? A Yes sir.
Q What is her present name? A Julia Barnett.
Q She is married a man named Barnett now is she? A Yes sir.
Q She has applied to be enrolled hasn't she? A Yes sir.
Q Didn't she apply at Chelsea? A I think so.
Q How long has she been named Barnett? A About three years.
Q So she applied as a Barnett? A Yes, I think so.
Q This woman Julia is a child of your wife by a first marriage? A Yes sir.
Q Your wife is a white woman? A Yes sir.
Q And Julia Barnett is a white woman? A Yes sir.
Q How was Julia Barnett ever married before she married Barnett? A Yes sir.
Q What was the name of her first husband? A William Carpenter.
Q Is he alive? A No sir.
Q What was he a Cherokee or Shawnee? A Shawnee.
Q Full blood? A Yes sir.
Q How long has he been dead? A It must be four or five years.
Q Did you know William Carpenter well? A Yes sir.
Q How long have you known him? A Ever since he was a child.
Q Did he live in the Cherokee Nation all his life? A Yes sir.
Q How old was he when he died? A He must have been about forty somewhere in that neighborhood.
Q Did he come to this country with the Shawnees? A Yes sir.
Q How old is your daughter Julia? A She is 25 I think.
Q What was her maiden name? A Jackson.
Q Julia Jackson? A Yes sir.
Q Was she ever married before she married Carpenter? A No sir.
Q Was she lawfully married to Carpenter? A Yes sir.
Q By a preacher? A Yes sir.
Q Give me his name? A I couldn't give you the full name; his name was Cloud.
Q Was she married at your house? A Yes sir.
Q And did she live with Carpenter until he died? A Yes.
Q They lived together as man and wife until Carpenter died, did she? A Yes sir.
Q Has she any children by Carpenter? A One.
Q She has already applied for that child? A I think so.
Q Give me the name of that child? A Mollie Ruth Carpenter.
Q How old is that child's hear as you can come? A She is about four years old I guess.
Q Some four or five you think, was she born after Carpenter died? A Yes sir; no; - I will swear I can't tell her age.
Q Was the child's father dead? A It was born before Carpenter died.
Q How was Carpenter ever married before he married your daughter Julia? A Yes.
Q Who was his first wife? A Fannie; I don't know her other name.
Q Was he married only once before he married your daughter? A That is all I know.
Q You knew him all the time didn't you? A Yes.

A. William Carpenter.

Q. You never knew of his being married before except to Fannie - did you ever know of him having any other wife except Fannie? A. And my daughter, that is all.

Q. Was Fannie dead when he married your daughter Julia? A. Yes sir.

Q. Well after Carpenter's death your daughter married a man named Barnett? A. Yes sir.

Q. Give me his full name? A. William Henry Barnett.

Q. What is he, a Shawnee? A. Yes sir.

Q. Is he a full blood? A. No, he is about half, I guess.

Q. Is his mother a Shawnee? A. Yes sir.

Q. Is she a full blood? A. No, she is half I think.

Q. Has Henry Barnett been listed for enrollment by this Commission do you know? A. Yes sir.

Q. No trouble about his case? A. No sir.

Q. Who married your daughter to Henry Barnett, a preacher? A.

Yes, a preacher married them, but I don't know his name.

Q. Was it at your house? A. No, they married at Chelsea. I don't know who married them.

Q. You know she lived with Barnett as his wife do you? A. Yes sir.

Q. They were recognized by everybody as man and wife? A. Yes sir.

Q. She is living with him at this time? A. Yes sir.

This testimony will be filed in the case of Julia Barnett and also with the case of her child, Nellie E. Carpenter. The special object of this testimony is to establish the legality of the marriage between Julia Barnett and her first husband, William Carpenter.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rotherberger

Subscribed and sworn to before me this 3rd day of July, 1902.

Seal

[Signature]
Notary Public.

MARRIAGE CERTIFICATE.

This is to certify that W. M. Carpenter of Cherokee Nation and Julia Jackson of Cherokee Nation were by me joined together in holy matrimony according to the usages of the Methodist Episcopal Church and the laws of the Cherokee Nation, Indian Terr., on the seventh day of May in the year of our Lord eighteen hundred and ninety-seven.

Henry L. Cloud
Minister of the Gospel.
Mrs. W. M. Daugherty)
Witnesses.
Miss Frankie Jackson)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 28, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 28th day of October, 1902.


Notary Public.

Q Where was this child Mollie Carpenter, born?
 A At my mother's home; I went there to my mother's, we were there visiting here, and I taken after there, and she was born there.
 Q Where is that? A Near Catalee.
 Q In the Cherokee Nation? A Yes sir.
 Q Where has that child been since its birth?
 A Right around Catalee and Vinita. It never has been out of the Territory; never has been as far down as this.
 Q How long have you lived in the Cherokee Nation?
 A Ever since I was about four years old. I was four years old when we moved here, and I am past twenty two now.
 Q You have lived in the Cherokee Nation all that time?
 A Yes sir.
 Q Have you ever lived out of the Cherokee Nation since you and Mr. Carpenter were married? A No sir, I have been down in the States but once since we were married.
 Q Was Mr. Carpenter a full blood Shawnee? A No sir, his mother was a full blood though; she can't speak a word of English.
 Q What was his mother's name? A Mary Carpenter.
 Q Is she living? A She was a few weeks ago.
 Q What is her last name? A Her name is Mary Carpenter. She might possibly have a middle name, but I don't know it if she has.

R. C. Bagwell, or oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereon.

Subscribed and sworn to before me this December 18, 1902.

B. C. Jones
 Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 17, 1902.

In the matter of the application of JULIA E. BARNETT, for the enrollment of herself as a citizen by intermarriage, and her daughter MOLLIE R. CARPENTER, as a citizen of the Cherokee Nation, of Shawnee blood:

Appearances:

Applicant present in person;
W. W. Hastings, Esq., for Cherokee Nation.

JULIA E. BARNETT, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Julia E. Barnett.
Q How old are you Mrs. Barnett ? A I was twenty two years old; yes twenty two years old last March.
Q What is your post office address ? A Estella.
Q You are an applicant for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What is the name, or was the name of your Cherokee husband ? The husband through whom you claim your rights to citizenship ?
A William Carpenter.
Q Is he living or dead ? A No sir, he is dead.
Q When did William Carpenter die ? A He died the 17th day of April, 1898.
Q How when were you married to William Carpenter?
A The 7th day of May, 1897.
Q Had you ever been married before you married Mr. Carpenter ?
A No sir.
Q He was your first husband ? A He was my first husband.
Q Had he ever been married before he was married to you ?
A Yes sir, I suppose so, he had grown children, but his wife was dead.
Q Before you and he were married ? A Yes sir.
Q Are you sure it was in May, 1897 that you and Mr. Carpenter were married ? A Yes sir, I have the certificate here.

The Commission: The applicant offers in evidence a marriage certificate signed by Henry L. Cloud, a minister of the gospel, certifying that W. M. Carpenter, of the Cherokee Nation, and Julia Jackson, of the Cherokee Nation, were by him joined together in holy matrimony according to the uses of the Methodist Episcopal Church, and the laws of the Cherokee Nation, Indian Territory, on the 17th day of May, 1897. The same is filed herewith and made a part of the record herein.

- Q Now what was your maiden name ? A Julia Jackson.
Q What was your father's name Mrs. Barnett ? A Jesse Jackson.
Q Was he a white man ? A Yes sir.
Q He claimed no rights of Cherokee citizenship by blood ?
A No sir.
Q Is he living ? A No sir. He died when I was about two years old.
Q What was your mother's name ? A Mary Elisabeth Daugherty, at this time.
Q Is she a white woman ? A She is a white woman.
Q She claims no rights of citizenship by blood of the Cherokee Nation ? A No sir.
Q Then you are a white woman ? A Yes sir.
Q And claim only by virtue of your marriage in 1897 to Mr. Carpenter?
A Yes sir.

Q Did you and Mr. Carpenter live together from the time of your marriage up to the time of his death ? A Yes sir.
Q You and he were never separated during his lifetime ?
A No sir.
Q Since his death you have married again, have you ?
A Yes sir.
Q What is your last husband's name ? A William Henry Barnett.
Q When were you married to Mr. Barnett ? A In September, 1898.
Q Is he a white man or a Cherokee citizen ? A He is a Shawnee; both men were Shawnees.
Q Cherokees of Shawnee blood ? A Yes sir.
Q You and Mr. Barnett are living together now ? A Yes sir.
Q And were living together on the first day of September, 1902 ?
A Yes sir.
Q You and he have never been separated since your marriage, have you ? A No sir.

Examined by Mr. Hastings:

Q What is the date of the birth of this child Nellie R. Carpenter ?
A The 21st day of July, 1897.

By the Commission:

Q The 21st day of July, 1897, you say, is the birthday of this child ? A Yes sir.
Q Who was the father of this child ? A W. M. Carpenter.
Q How long after your marriage was this child born ?
A I was married the 7th day of May, and she was born the 21st day of August.
Q Did Mr. Carpenter recognize that child as his child, and acknowledge it as his child, during his lifetime ? A Yes sir.
Q And treated it as his child ? A Yes sir.

Examined by Mr. Hastings:

Q Were you living together at the time of it's birth ?
A Yes sir.
Q Were you living together at the time of Mr. Carpenter's death ?
A Yes sir.
Q You and he were never separated ? A No sir. He was a drunkard and was away from home nearly all the time, but we were not separated.
Q Where did he die ? A Near Catalaes.
Q At whose house ? A At my house, at his mother's home; we lived at his mother's home; she was a full blood lady.
Q You were present at the time he died ? A Yes sir.
Q How long was the longest he was ever away from home ?
A About three weeks at a time.
Q You never were separated ? A No sir, no more than in that way. I knew when he left when he was coming back; and we were never supposed to be parted.
Q You never, at any time, thought you were parted ? A No sir.
Q How long had you known him prior to your marriage ?
A I have known him ever since I was about eight years old.
Q Did you live near him then ? A No sir, we lived about thirty five miles from him. When we were married he was living about two miles from where my mother lived.
Q How long had he been living that near to you when you were married
A Why, about four or five years I think.

By the Commission:

Q Where was this child Nellie Carpenter, born?

A At my mother's home; I went there to my mother's, we were there visiting here, and I taken sick there, and she was born there.

Q Where is that? A Near Catala.

Q In the Cherokee Nation? A Yes sir.

Q Where has that child been since its birth?

A Right around Catala and Vinita. It never has been out of the Territory; never has been as far down as this.

Q How long have you lived in the Cherokee Nation?

A Ever since I was about four years old. I was four years old when we moved here, and I am past twenty two now.

Q You have lived in the Cherokee Nation all that time?

A Yes sir.

Q Have you ever lived out of the Cherokee Nation since you and Mr. Carpenter were married? A No sir, I have been down in the States but once since we were married.

Q Was Mr. Carpenter a full blood Shawnee? A No sir, his mother was a full blood though; she can't speak a word of English.

Q What was his mother's name? A Mary Carpenter.

Q Is she living? A She was a few weeks ago.

Q What is her last name? A Her name is Mary Carpenter. She might possibly have a middle name, but I don't know it if she has.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 18, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia E. Barnett as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

DECISION.

The record in this case shows that on November 20, 1900, Henry Barnett appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood. The application also included Henry Barnett, but he is differently classified and is not embraced in this decision. Further proceedings in the matter of said application were had at White Oak, Indian Territory, on June 3, 1902, and at Muskogee, Indian Territory, on December 17, 1902.

The evidence shows that on May 7, 1897, the applicant, Julia E. Barnett, a white woman, was lawfully married to one W. M. Carpenter, who is identified on the 1880 authenticated Cherokee roll as an adopted Shawnee. The minor applicant, Mollie R. Carpenter, is the daughter of the said W. M. Carpenter and Julia E. Barnett. Neither of the applicants are identified on any tribal roll, but Mollie R. Carpenter is duly identified by birth affidavit made part of the record herein.

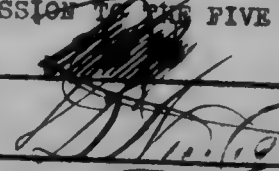
It appears that the said W. M. Carpenter died in April, 1898, and that subsequent to his death the applicant, Julia E. Barnett, was married to one Henry Barnett, who is identified on the 1880 authenticated Cherokee roll as an adopted Delaware.

Section twenty-six of the Act of Congress approved July 1, 1902 (Public No. 241), provides:

"....no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Julia E. Barnett as a citizen by intermarriage of the Cherokee Nation should be denied, under the provisions of law above quoted; and that Mollie R. Carpenter should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this MAR 2 1903

C.

M 850

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 23 1902

[Handwritten signature]

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

Mr. Henry Barnett,

Catale, Indian Territory,

Sir:-

You are hereby notified that the application of Julia E. and Mollie R. Barnett

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of marriage of Julia E. to her former husband N. Carpenter.

Cherokee D-850
Register.

Yours truly,

Assistant Commissioner

Commissioner in Charge.

Cherokee D 222

Muskogee, Indian Territory, May 31, 1902.

Mr. Henry Barnett,

Catalec, Indian Territory.

Dear Sir:

From an examination of the evidence in the matter of your application for the enrollment of yourself, wife and children as citizens of the Cherokee Nation, it appears that you testified that your wife was formerly married to William Carpenter, a Cherokee citizen by blood, and that the child Mollie Carpenter, for whom you applied, was the issue of that marriage. You offered no proof whatever of such alleged marriage, and you were again requested by the Commission's letter of February 19, 1902, to submit further evidence relative to that marriage. You failed to make any response to that letter. Such evidence is very important in regard to the right of the child Mollie Carpenter to be enrolled, and you are now finally notified that unless you can furnish the Commission on or before June 16, 1902, with satisfactory proof, either documentary or in the form of personal testimony, regarding the marriage of your wife to William Carpenter, it may be found necessary to deny your application for the enrollment of said Mollie Carpenter.

You are urged to give this matter your prompt attention.

Yours truly,

Register

Commissioner in Charge

Cherokee D 850.

Muskogee, Indian Territory, June 27, 1902.

Henry Barnett, Esq.,

Catale, Indian Territory.

Sir:-

In the matter of your application for the enrollment, among others, of your wife, Julia Barnett, as a citizen by intermarriage of the Cherokee Nation, you are advised that it is necessary, for the proper consideration of her case, that you submit to this Commission either the original or a certified copy of the marriage license and certificate, showing her marriage to her former husband, W. E. Carpenter. You are also requested to furnish the Commission with evidence as to the cause of her separation from her first husband.

This testimony must be furnished on or before July 16, 1902.

Yours truly,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDELS
C. R. BRERKINNEILL

ALLISON L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D-850.

Muskogee, Indian Territory, October 8th, 1902.

Julia E. Barnett,

Catale, Indian Territory.

Dear Madam:

The Act of Congress, approved July 1, 1902, and entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," (Public No. 241), provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

~~In accordance with said provision, you are hereby noti-~~
fied that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,



Acting Chairman.

Charokas B-350

Muskogee, Indian Territory, October 28, 1902.

Mrs. Julia Barnett,

Notalee, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter of October 23, enclosing certificate showing your marriage on May 7, 1897, to W. M. Carpenter.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Commissioner in Charge.

Enc. M-5

Memorandum D-250

Wasko, Inc. Wasko, November 11, 1907.

Julia W. Wasko,
Wasko, Indian Territory.

Dear Madam:-

You are asked to attend the
enrollment as provided for in the
it will be necessary for you to
five civilized tribes of the
and submit further testimony.
You will be allowed to
and leave, in which to

Respectfully,
Wasko, Indian Territory.

Respectfully,
Wasko, Indian Territory.

NOV 14 1907
RECEIVED
COMMISSION TO THE INDIAN TERRITORY
NEWARK, N. J.

Wasko, Indian Territory.

Cherokee D-860

Muskogee, Indian Territory, November 14, 1903.

Julia E. Barnett,

Catoe, Indian Territory.

Dear Madam:-

You are hereby advised that, before determining your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, and submit further testimony.

You will be allowed 15 days from date hereof, in which to appear before the Commission. Please give this matter your immediate attention.

Respectfully,

Acting Chairman.

Register.

INDEXED

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Barnett, Julia,
Wstella, I.,
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COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY,

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-850

Muskogee, Indian Territory, March 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage, and granting his application for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-2173

COMMISSIONERS
JAMES BIRNEY,
THOMAS H. NEEDLES,
C. R. BRICKKIRKING,
W. E. STANLEY

ALLISON L. AYLSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

LETTER IN REPLY TO THE FOLLOWING

Cherokee B-660

Muskogee, Indian Territory, March 20, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

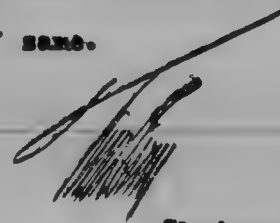
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by intermarriage, and for the enrollment of his step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, including the Commission's decision, dated March 2, 1903, rejecting his application as to his wife and granting said application as to his step-child.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Chairman.

COPY

Muskogee, Indian Territory, March 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as a citizen by inter-marriage, and for the enrollment of his step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, including a copy of the Commission's decision, dated March 2, 1903, rejecting his application as to his wife, and granting his application as to his step-child.

Respectfully,

John L. Smith
Chairman.

Enc. M-48

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, March 20, 1903.

Henry Barnett,

Estella, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Julia E. Barnett, as a citizen by intermarriage, and for the enrollment of your step-child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, together with a copy of the Commission's decision, dated March 2, 1903, rejecting your application as to your wife, and granting your application as to your step-child.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

John R. P. P.

Chairman.

Enc. M-247

Register.

Refer in reply to the Copy.
following:

Land- 19,024,1903.

Department of the Interior,

Washington, Oct. 21,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report of the Commission to the Five Civilized Tribes, dated March 20,1903, transmitting the record in the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as an intermarried citizen of the Cherokee Nation, and for the enrollment of his stepchild, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood.

March 2,1903, the commission held that Mollie R. Carpenter was entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, and that Julia E. Barnett was not entitled to enrollment as an intermarried citizen.

The record in this case shows that on May 7,1897, Julia E. Barnett, a white woman, was married to W.M.Carpenter, whose name appears on the 1880 roll as an adopted Shawnee. Mollie R. Carpenter is the issue of that marriage.WM.Carpenter died in April 1898 and on September 1,1898, Julia E. Carpenter was married to Henry Barnett. Henry Barnett, the commission says, is identified by the 1880 roll as an adopted Delaware.

The approval of the commission's decision is recommended in so far as it relates to the enrollment of Mollie R. Carpenter, and inasmuch as Julia E. Barnett applies for enrollment as an intermarried citizen, and as the Court of Claims has not made findings

and rendered an opinion concerning the questions submitted to it by the Department February 24, last, it is recommended that the decision rejecting Julia E. Barnett be not approved, and that her right to enrollment be passed upon hereafter in accordance with the findings and opinion of the Court of Claims and the record in the case.

Very respectfully,

W.A.Jones,

(G.A.W.).P.

Commissioner.

Department of the Interior.

FHE

I.T.D. 7550-1903.

Washington, November 7, 1903.

L.R.S.

Commission to the Five Civilized Tribes, . . .

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving, the application for the enrollment of Julia E. Barnett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Mollie R. Carpenter, as a citizen of the Cherokee Nation of Shawnee blood, received with your letter of March 20, 1903, and the Commissioner of Indian Affairs' letter of March 21, 1903.

It appears that on May 7, 1897, Julia E. Barnett, a white woman, was lawfully married to W.M. Carpenter, who is identified on the 1880 authenticated Cherokee roll as an adopted Shawnee. Mollie Carpenter is the daughter of said W.M. Carpenter and Julia E. Barnett, and is identified by a birth affidavit. Carpenter died in 1898, and subsequent to his death Mrs. Carpenter was married to Henry Barnett, who is identified on the 1880 authenticated Cherokee roll as an adopted Delaware.

March 2, 1903, you rendered your decision, holding that the application for the enrollment of Julia E. Barnett as a citizen by intermarriage should be denied; that Mollie R. Carpenter should be enrolled as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of Section 21 of the act of June 28, 1898 (30 Stats., 495).

The Commissioner of Indian Affairs recommends that your decision be concurred in, so far as Mollie R. Carpenter is concerned. He states, however, as Julia E. Barnett applies for enrollment as an intermarried citizen, that a decision should not be rendered as to her until the Court of Claims has passed upon the question of the rights of intermarried Cherokees submitted to it February 24, 1903.

Your decision is affirmed, so far as Mollie R. Carpenter is concerned, and action will be suspended relative to Julia E. Barnett.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

MDG

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-850

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 16, 1903.

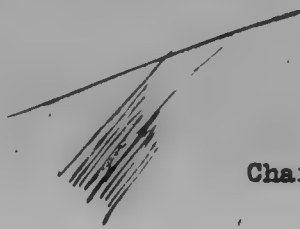
W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 2, 1903, rejecting the application for the enrollment of Julia E. Barnett as a citizen by intermarriage, and granting the application for the enrollment of her minor child, Mollie R. Carpenter, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said child, November 7, 1903.

Respectfully,



Chairman.

Cherokee D-350

Muskagee, Indian Territory, November 16, 1903.

Julia E. Barnett,

Estella, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 2, 1903, granting the application for the enrollment of your minor child, Mollie R. Carpenter, as a citizen by blood, and rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to your said child, November 7, 1903.

Respectfully,

John G. Smith
Chairman.

D.D. 52656-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

LLB

I.T.D. 7550-1903.

November 27, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of November 7, 1903, in the matter of the application of Henry Barnett for the enrollment of his wife, Julia E. Barnett, as an intermarried citizen of the Cherokee Nation, you are advised that in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., intermarried white persons claiming to be entitled to citizenship in the Cherokee Nation, the application for the enrollment of Julia E. Barnett is hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

Cherokee
D 860.

Muskogee, Indian Territory, December 13, 1906.

Julia B. Barnett,
Estelle, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting your application for ~~enrollment~~ as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior November 27, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-15.
S.W.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 860.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

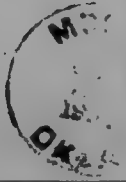
You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, rejecting the application for the enrollment of Julia E. Barnett as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior November 27, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-16.
S.W.

Commissioner.



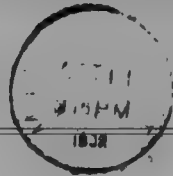
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



July 11, 1898,

Catalpa,

Ind. Territory.

Stella

Return to 3

1000

Cher D 851

Cher D 851

[illegible]

12-2-42

Subscribed and sworn to before me this 11th day of November, 1900.

Department of the Interior.
Commission to the Five Civilized Tribes.
Chalusa, I. T., November 20, 1900.

In the matter of the application of Thomas J. Tarpley for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Thomas J. Tarpley.
Q How old are you? A 39 years old.
Q What is your postoffice? A Fairland.
Q You live in Belzoni district? A Yes sir.
Q Who do you want to have enrolled? A Myself.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Let me see your marriage license and certificate.
The applicant presents an official copy of the records of Cooweescoowee district showing that license was issued to him on June 6, 1893, to marry Miss Lydia M. Clark, and they were united in marriage on the 11th day of the same month and within the same year. This is filed herewith.
Q Is your wife living or dead? A She's living.
Q How long did you live with her? A Five years.
Q And then you and she separated? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you married her in 1893? A No, I lived in Muskogee part of the time.
Q What part of the time? A When I was married we went to Muskogee and we lived there in 1893, and then 1894 we came to the Cherokee Nation. Then we went to Claremore. We went back to Muskogee again.
Q When did you go back to Muskogee? A In 1895.
Q How long did you stay there? A About a year, then we came back to the Cherokee Nation again and were in the Cherokee Nation when we separated.
Q Have you lived in the Cherokee Nation ever since you separated from her? A Never lived anywhere else except this summer; I was in bad health and went out west for a while, never carried even my trunk out of the Nation.
Q You claimed and made your home in the Cherokee Nation since you separated from your wife? A Yes sir.
Q Was your wife born in the Cherokee Nation? A Yes sir.
Q Did she make her home here from the time she was born until you married her? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Were you ever married except to her? A No sir.
Q Not married since you separated from her? A No sir.
Q What is the name of her father? A George W. Clark.
Q He alive or dead? A He's alive.
Q Give me the name of her mother. A Lydia M. Clark.
Q Is she alive? A Yes sir, she was this morning.
Q Did you get a divorce from your wife? A No sir.
Q There's been no divorce? A She got a divorce.
Q Have you a copy of the decree? A No, I never saw the copy; I was sick at the time the decree was granted; never had any notice of it.
Q Do you wish to make any statement of the occasion of the separation between yourself and wife as to whether she abandoned you or you abandoned her? A It is rather humiliating to make a statement. I know one thing I treated her right, and did everything I could for her. I know I was forced to leave her.
Q You stated that your wife procured a divorce from you; it was granted to her? A Yes sir.
Q Do you wish to introduce any evidence to show that? A I got no evidence.
Q You don't wish to submit any further statements? A I never looked around for any evidence.
Q Do you want to make any further statement or introduce any further evidence in the matter? A I haven't got any evidence.

CONFIDENTIAL

P. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

E. A. Potbury

Subscribed and sworn to before me this 21st day of November, 1900.

Commissioner.

11

2

SUPPLEMENTAL in the matter of the enrollment of THOMAS J. TARPLEY as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that his case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

I, J.O. Ressen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony or proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

lete transcript
J. H. Mason

91021-102100 9-14-55

[illegible][illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-07-2009 BY 60322

THE UNIVERSITY OF CHICAGO

RECEIVED

[illegible]

Chas. von Volke, being asked what was shown him in connection with the Commission in the New Orleans Office he replied as follows: "In the proceedings in the above cases and that the Bureau is a full law and control department of the Government."

March 1961 and even to 1972 in 1963 the 10th of October 1961

pas

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 22, 1900, Thomas J. Tarpley appeared before the Commission at Chelsea, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 18, 1901.

The evidence shows that Thomas J. Tarpley was married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on June 11, 1893, to Lydia M. Clark, a citizen by blood of the Cherokee Nation. Said Thomas J. Tarpley is identified on the Cherokee Census roll of 1896. It further appears from the evidence that Lydia M. Tarpley secured a divorce from the applicant on the ground of abandonment, on September 5, 1900.


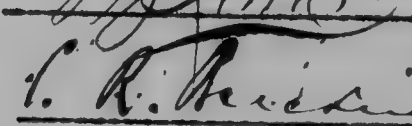
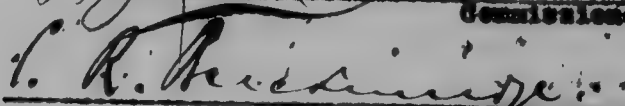
Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, together "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, Compiled Laws of the Cherokee Nation (1892) provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas J. Tarpley as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.

this JUL 29 1902

Q. He got up and went off and left. Yes, sir. He got up and went off and left. Seen there and just got up and went off and left.

Q. Never returned to live with her? A. No, sir. I don't think she has seen him; might have seen him.

Q. She never has lived with him since that time? A. No, sir.

Q. After the separation was there a divorce procured? A. Yes, sir.

Q. Who procured the divorce? A. She procured the divorce.

Q. What court? A. United States court at Anita, about 3-- two years and a half.

Q. Since the divorce has she married? A. Yes, sir.

Q. Married a man by the name of Winters? A. Yes, sir.

Q. Do you know where Tatpley is now? A. No, sir.

Q. Never been around your place to make any efforts to support her? A. No, sir. He might have been around the place once or twice. I never seen him but once. During one time the cook missed things out of the kitchen. We always thought it was him. Whether it was him we don't know.

Q. He has never, since the separation in 1894, contributed anything to her support? A. No, sir; he never gave her a dollar in the world to support her. I gave him some hogs in 1894 to raise. He sold them and had the money in his pocket and she gave him a dentist bill for \$78 and asked him to pay that, and he refused to do it. He refused to give her a dollar.

Q. Did he have this money in his pocket? A. Yes, sir. I agreed to give him some hogs that he raised. He went to Chelsey and sold them and had the money in his pocket to my personal knowledge.

Examination by Mr. Starr.

Q. What was the grounds of the divorce? A. He wouldn't support her, and he went to. He just sent off and left her. I never heard them have a word. He drank everything he could find in that country, and it was fit to drink, hop all and such stuff.

Q. Did he contribute anything towards her support from the time of their marriage?

A. They stayed here in Muskogee a year or two after they were married. I believe she claimed what clothes she got, claimed my wife sent them to her, and then they came back to my house to live--come there twice--the first time all the brought was two puppies.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1907.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-851.

It appears from the record in this case that on the 29th day of July, 1902, the Commission to the Five Civilized Tribes rendered its decision in the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation, in which it held that his enrollment as such citizen should be denied and it was so ordered.

On the same day the applicant and the Cherokee Nation were furnished with a copy of the decision of the Commission and notified that the same had been forwarded to the Department for approval.

Under date of September 3rd, 1902, the case was remanded by the Department for a further hearing and the Commission was requested to notify the representatives of the Cherokee Nation, that they might furnish additional testimony at a certain time and place, notice of which to be given the applicant, showing the true cause of the separation of said parties.

Under date of September 15th, 1902, the applicant and the representatives of the Cherokee Nation were notified that in accordance with the instructions from the Department, that the Commission would be at its office in Muskogee, Indian Territory, at one o'clock P. M., September 29th, 1902, for the purpose of hearing testimony of such witnesses as might appear themselves in person; and the case having this day, to-wit: the 29th day of September, 1902, been called and the applicant fails to appear either in person or by attorney, the Cherokee Nation, by its representatives, offers the following testimony.

GEORGE W. CLARK, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. G. W. Clark.
Q. What is your age, Mr. Clark? A. 60 years.
Q. Are you acquainted with Thomas J. Tarpley? A. Yes, sir.
Q. How long have you known him? A. Known him since 1893.
Q. Is he a white man or Cherokee? A. White man.
Q. Is he the same Thomas J. Tarpley who is an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A. Same man.
Q. What is his wife's name? A. His wife's name is Frazier.
Q. Did she marry again? A. Since she married him.
Q. What was her maiden name? A. Clark.
Q. Any relation of yours? A. My daughter.
Q. When was she and Thomas J. Tarpley married? A. Married in 1893.
Q. How long did they live together as husband and wife?
A. Four years, off and on. They were separated once in that time.
Q. Did they separate about 6 years ago? A. Yes, sir.
Q. Have they lived together since that separation? A. No, sir.
Q. Do you know what was the cause of that separation, Mr. Clark?
A. Yes, sir; drunkenness and abandonment.
Q. Did he leave her or she leave him? A. He left her. They were living with me at the time of the separation.

Q. He got up and went off and left? A. Yes, sir; he got up and went off and left. Been there a while and just got up and went off and left.

Q. Never returned to live with her? A. No, sir. I don't think she has seen him; might have seen him?

Q. She never has lived with him since that time? A. No, sir.

Q. After the separation was there a divorce procured? A. Yes, sir.

Q. Who procured the divorce? A. She procured the divorce.

Q. What court? A. United States court at Vinita, about 3--two years and a half.

Q. Since the divorce has she married? A. Yes, sir.

Q. Married a man by the name of Franier? A. Yes, sir.

Q. Do you know where Tarpley is now? A. No, sir.

Q. Never been around your place to make any efforts to support her? A. No, sir. He might have been around the place once or twice. I never seen him but once. During one time the cook missed things out of the kitchen. We always thought it was him. Whether it was him we don't know.

Q. He has never, after the separation in 1894, contributed anything to her support? A. No, sir; he never gave her a dollar in the world to support her. I gave him some hogs in 1894 to raise. He sold them and had the money in his pocket and she gave him a dentist bill of \$78 and asked him to pay that, and he refused to do it. He refused to give her a dollar.

Q. Did he have this money in his pocket? A. Yes, sir. I agreed to give him some hogs that he raised. He went to Chelsey and sold them and had the money in his pocket to my personal knowledge.

Examination by Mr. Starr.

Q. What was the grounds of the divorce? A. He wouldn't support her, and drunkenness. He just went off and left her. I never heard them have a word. He drank everything he could find in that country, and it wasn't fit to drink, hop all and such stuff.

Q. Did he contribute anything towards her support from the time of their marriage?

A. They stayed here in Muskogee a year or two after they were married. I believe she claimed what clothes she got, claimed my wife sent them to her, and when they came back to my house to live--come there twice--the first time all the brought was two puppies.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1902.

Jesse O. Carr
B. O. Jones
 Notary Public.

Examination by the Commission.

- Q. Do you know these matters of your own knowledge?
A. No, not direct, I don't. I heard the assertions made there in the neighborhood.
Q. Do you know where Thomas C. Warrley is now? A. No, sir.
Q. His former place of residence was Fairland? A. No, sir; I don't think he ever lived at Fairland.
Q. Do you know where he did live? A. Yes, sir; I know where he did live. He lived on Prior Creek.
Q. How long ago is that? A. That is five years ago.
Q. You don't know whether he is there now? A. No, sir; he is not there now.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of November, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of Thomas J. Tarpley
for the enrollment of himself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental to D-851.

Cherokee Nation appears by J. C. Starr.

J. C. STARR, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name, age and post office? A. J. C. Starr,
32, post office Vinita.

Q. What official position, if any, do you hold? A. Stenographer
for the Cherokee Nation, one of its representatives.

Q. As representative of the Cherokee Nation did you attempt to get
advice on one Thomas J. Tarpley? A. Yes, I did. I have sent
notice, and tried to have them served on him, that testimony would
be taken before the Commission questioning his being enrolled.
When he enrolled he gave Fairland as his post office and we
couldn't find him.

Q. Who did you send notices to? A. Samuel Ames.

Q. You say he couldn't be found? A. No, sir.

Q. Fairland is the post office which this man gave as his post
office? A. Yes, sir.

BY MR. STARR:

Comes now the representative of the Cherokee Nation and requests
the Commission to be permitted to introduce testimony in this case.

BY THE COMMISSION:

The request of the Cherokee Nation will be granted, and the
evidence introduced.

E. B. FRAYSER, being duly sworn, testified as follows:

Examination by Mr. Starr.

Q. What is your name? A. E. B. Frayser.

Q. What is your post office? A. Vinita.

Q. What is your age? A. 53.

Q. Do you know Thomas J. Tarpley, who is an applicant before this
Commission? A. I have seen him, that is all.

Q. How long have you known him? A. I have known him ever since
he came to this country. About 10 years.

Q. Do you know Lydia M. Tarpley? A. Yes, sir.

Q. She was Thomas J. Tarpley's wife? A. Yes, sir.

Q. Are they living together at this time? A. No, sir.

Q. Do you know the cause of the separation? A. He didn't support
her, that was all; didn't do anything.

Q. Where were they living at the time? A. They lived, awhile,
here, and lived on a ranch close to Prior Creek; George Clark's.

Q. Did he abandon her? A. Yes, sir; sold everything and left.

Q. Sold all her property? A. All their property, stock, every-
thing.

Examined on by the Commission.

- Q. Do you know these matters of your own knowledge?
A. No, not direct, I don't. I heard the assertions made there in the neighborhood.
Q. Do you know where Thomas J. Farpley is now? A. No, sir.
Q. His former place of residence was Fairbank? A. No, sir, I don't think he ever lived at Fairbank.
Q. Do you know where he did live? A. Yes, sir, I knew where he did live. He lived on Prior Creek.
Q. How long ago is that? A. That is five years ago.
Q. You don't know whether he is there now? A. No, sir, he is not there now.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of November, 1903.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Tarpley for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION

The record in this case shows that on November 20, 1900, Thomas J. Tarpley appeared before the Commission at Chelsea, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 16, 1901. On July 29, 1902, the Commission rendered a decision in said case and forwarded the same to the Secretary of the Interior for his approval. Said decision was not approved, but on September 3, 1902, the record in said case was returned to the Commission for further hearing, and on September 29, and October 7, 1902, further proceedings were had in the matter of said application at Muskogee, Indian Territory.

The evidence now of record shows that Thomas J. Tarpley was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on June 11, 1893, to Lydia M. Clark, a citizen by blood of the Cherokee Nation. It further appears from the evidence that the said Thomas J. Tarpley lived with his said wife for about four years following their marriage; that he then left her and has not since that time contributed anything to her support, and that on September 5, 1900, Lydia M. Tarpley secured a divorce from the applicant on the ground of abandonment. Thomas J. Tarpley is identified on the Cherokee census roll of 1896. In its decision of July 29, 1902, the Commission found that the said Thomas J. Tarpley abandoned his wife, Lydia M. Tarpley nee Clark, through whom he claims his right to enrollment as an intermarried citizen of the Cherokee Nation, and the evidence offered on September 29, and October 7, 1902, appears to confirm that finding.

Paragraph I, Section twenty-one of the Act of Congress approved June 26, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 compiled laws of the Cherokee Nation (1892), provides:

"Every person who shall lawfully marry under the provision of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The Commission is of the opinion that Thomas J. Tarpley abandoned his said wife within the meaning of the Cherokee law above quoted and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Fisher
Acting Chairman.

T. B. Needles
Commissioner.

C. J. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this DEC. 18 1902.

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

**UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.**

} S. S.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of The S. I. Farley
for enrollment as Cherokee citizens:

Case No. D851

To Thomas J. Farley, Airline, I. T.,:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 11, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 5, 1901.

W. W. Hastings
Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 851.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

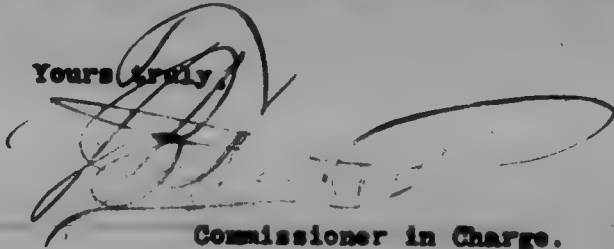
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 66.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 2-661.

SENT ONLY THE
UNITED STATES OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1902, rejecting the application of Thomas J. Tarpley for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-394.

IN THE MATTER OF THE APPLICATION OF

Thomas J. Tarpley

FOR ENROLLMENT AS

CHEROKEE

(examine divorce on file)

IN THE MATTER OF THE APPLICATION OF

Thomas J. Tarpley

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony of 11/20/00

(2) Memo of application of 11/20/00

(3) Certified true copy of same as
received from the State

(4) Certified copy of same as same
(Supplemental Order, Oct 16 1901)

Record

(5) Notice of final determination, 11/02

(6) Order showing the same

Cher D 852

Cher D 852

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE RINE RIVIER

will be made known to him at his postoffice address.
upon a written card, and the final decision of the Commission
and's wife will be listed for enrollment as a colored by abolition
time. For the purpose of enrollment of this question, the abolition
advised as necessary to obtaining, not to enrollment at this
enrollment under these conditions, a white woman is not
enrollment as a colored. It is contended by the Chinese representative
that they have not been recognized since his
1902. He is a white woman. He is not mentioned in the certificate
with the same part of 1902. He is mentioned on the roll of
and that they have lived together ever since their marriage
whereas in 1897 that nation was previously married
as colored blood. The representative said he and his
with both father and mother and they will be listed for enrollment
listed on the roll of 1902. They are listed in the Chinese section
and they are listed in the Chinese section. They are listed in the Chinese section.

10. The above information was obtained from the files of the FBI, New York Office, and is being furnished to you for your information.

• 701-478-1010 •

Department of the Interior.
Commission to the Five Civilized Tribes,
Cherokee, I. T., November 20, 1890.

In the matter of the application of David S. Palmour for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A David S. Palmour.
Q How old are you? A 45.
Q What is your postoffice? A Cherokee.
Q You live in Cooweescoowee district do you? A Yes sir.
Q Who is it you want to enroll? A Myself and family.
Q Have you a wife? A Yes sir.
Q How many children? A Three.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife? A She's a white woman.
Q How long have you lived in the Cherokee Nation? A Lived here seven years.
Q Were you admitted to citizenship by the Cherokee Commission? A Yes sir.
Q Let me see your certificate of admission.
The applicant presents a certificate of admission to Cherokee citizenship, duly authenticated, that on the 25th of August, 1887, David S. Palmour and others were admitted to citizenship; his age at that time being given as 38 years.
Q That is your name is it? A Yes sir.
This is recognized as official evidence of the applicant's admission as stated.
Q Under that admission you came here seven years ago? A Yes sir seven years ago.
Q Have you live here continuously ever since? A Yes sir.
Q Give me the name of your wife. A Mary M.
Q How old is she? A She's 41.
Q When were you married to her? A I was married in 1874, in December.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you and she continued to live as husband and wife? A Yes sir.
Q And so living now? A Yes sir.
Q She came with you seven years ago did she? A Yes sir; she didn't come when I did. She came shortly after I did in November, of 1893.
Q Give me the names of your children. A Emily E.
Q How old is she? A 18.
Q Next one? A John R.
Q How old is he? A 15.
Q Next child? A Fannie A.
Q How old is she? A She's 10.
Q These children are all living now are they? A Yes sir.
1896 roll; page 233, #3798, David S. Palmour, Cooweescoowee.
1896 roll; page 319, #781, Mary M. Palmour, Cooweescoowee.
233, 3798, Emily E. "
233, #3798, John R. "
233, #3800, Fannie A. "
Q Have you and your wife been remarried under Cherokee law since your admission? A No sir.
Q These children are with you now are they? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife, and three children. He is shown to have been admitted to citizenship by the Cherokee Commission on citizenship by the certificate filed herewith in 1887. He came to the Cherokee Nation seven years ago, and has lived ever since in the Cherokee Nation. He is identified on the roll of 1890 as a native Cherokee, and he will be listed for enrollment as a Cherokee by blood. The three children

N.C. Rothmeyer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

6. 1st. Pothenberger
this 1st day of November, 1900.

Don't Let a Lawyer

C. D-252

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Mary M. Palmour for the enrollment of herself as a citizen of the
Cherokee Nation.

Appearances:

J.R. Sequichie, Chelsea, I. T., agent for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter
February 19, 1902, that her application for the enrollment of
herself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory on the 11th day of March, 1902.
Receipt has been acknowledged of the Commission's letter and
the applicant this day, to-wit: the 10th day of March, 1902,
appears in person and by her agent, J.R. Sequichie, and by
agreement with the representative of the Cherokee Nation
present the case is taken up for final consideration this
the 10th day of March, 1902.

BY MR. SEQUICHIE: We wish to file certificate of marriage.

BY COMMISSION: There is offered in evidence a license issued
by D. J. Burt, Ordinary, Dawson County, State of Georgia, on
the 9th day of December, 1874, authorizing the marriage of
David S. Palmour and Mary M. Barrett, and a certificate
showing that they were united in matrimony on the 13th day of
December, 1874, by D.J. Burt, Minister of the Gospel;
same is filed herewith and made a part of the record.

The agent for the applicant and the representative of
the Cherokee Nation present submit the case; same is considered
completed and will be reported to the Commission for final
decision based upon the evidence now of record.

I, M.D. Green, do hereby certify that as stenographer to the Commis-
sion to the Five Civilized Tribes I correctly recorded the proceed-
ings in this case and that the foregoing is a true and complete
transcript of my stenographic notes thereof.

M.D. Green

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 1 1902

[Signature]
ACTING CHAIRMAN

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled name and that the foregoing is a true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this 31st day of October, 1902.

2852

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of Mary M. Palmour for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-852.

Appearances:

David S. Palmour for Applicant.
J. C. Starr for Cherokee Nation.

DAVID S. PALMOUR, being duly sworn, testified as follows:-
Examination by the Commission.

- Q. What is your name, please? A. David S. Palmour.
Q. What is your age, Mr. Palmour? A. 47.
Q. What is your post office? A. Chelsea.
Q. What is your wife's name? A. Mary M. Palmour.
Q. Is she the Mary M. Palmour for whom a plication was made to the Commission for enrollment as an intermarried citizen on November 20th, 1900? A. Yes, sir.
Q. What is her age at this time? A. 43.
Q. Are you a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. Is she, your wife, living at this time? A. Yes, sir.
Q. When were you married to your wife Mary M.? A. In '74.
Q. Were you ever married prior to your marriage to Mary M.? A. No, sir.
Q. Was she ever married prior to her marriage to you? A. No, sir.
Q. You are her first husband, she is your first wife? A. Yes, sir.
Q. Have you and Mary M. Palmour lived together continuously as husband and wife from the time of your marriage up to the present time? A. Yes, sir.
Q. Never been separated? A. No, sir.
Q. She has never married any other man since she married you? A. No, sir.
Q. Were you living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. How long has she lived in the Cherokee Nation? A. 9 years. '93, that we come here.
Q. Since 1893? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. Same length of time.
Q. You and her came together? A. No, sir; I came in the spring and she came in the fall.
Q. Married before you came here? A. Yes, sir.
Q. Where were you married? A. Married in Georgia.
Q. Were you admitted to citizenship before you came here or after? A. Before.
Q. And you were married to your wife Mary M. prior to your admission to citizenship in the Cherokee Nation? A. Yes, sir.
Q. Never were remarried after you came here and were admitted? A. No, sir; been married just the one time.
Q. She has lived here with you in the Cherokee Nation all the time since 1893? A. Yes, sir.
Q. Never lived out of the Nation since then? A. No, sir, never been out.

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

James O. Carr

Subscribed and sworn to before me this 21st day of October, 1902.

B. A. Jones
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 20, 1902, David S. Palmour appeared before the Commission at Chelsoa, Indian Territory, and made application for the enrollment, among others, of his wife, Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on March 10, 1903, and on October 6, 1903. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Mary M. Palmour was lawfully married on December 13, 1874 to David S. Palmour, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on August 25, 1887. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Mary M. Palmour is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Mary M. Palmour has lived with her husband in the Cherokee Nation continuously since the date of his removal to said Nation in 1893 up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Mary M. Palmour should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tama Dixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

C. R. Brookhridge

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 1 1903

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary M. Palmour as a citizen by intermarriage of the Cherokee
Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, November 20, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 10, 1902, October 6, 1902, and January 2, 1907. The records further show that on February 2, 1903, the Commission to the Five Civilized Tribes rendered its decision herein, granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mary M. Palmour, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one David S. Palmour in the State of Georgia on the 13th day of December, 1874; that the said David S. Palmour was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation on August 25, 1887. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Neither the said applicant, Mary M. Palmour, nor her husband, the said David S. Palmour, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, February 2, 1903, granting the application for the enrollment of Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught; and that in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mary M. Palmour is not entitled under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

James H. ...
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 5 1907

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Cherokee D-852

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

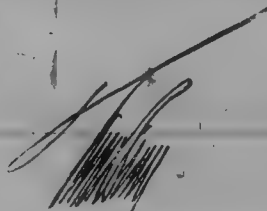
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of David S. Palmour for the enrollment of his wife, Mary M. Palmour, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-4252

REFER IN REPLY TO THE FOLLOWING:

Cherokee 19120

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 5, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 5, 1907, rejecting the application for the enrollment of Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-6
JMH

Commissioner.

Land
13137-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 5, 1907, enclosing the record in the matter of the application for the enrollment of Mary M. Palmour as a citizen of the Cherokee Nation by intermarriage, including his decision of the same date denying the application.

The record shows that application was duly made to the Commission to the Five Civilized Tribes on November 20, 1900, for the enrollment of Mary M. Palmour as an intermarried citizen of the Cherokee Nation, and on February 2, 1902, the Commission rendered a decision denying the application. It is further shown that the applicant is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except such as she acquired by reason of her marriage to one David S. Palmour under the laws of Georgia, on December 13, 1874. Palmour was not at that time a recognized citizen by blood of the Cherokee Nation, and did not become a citizen until he was admitted as such by the Adair Commission, August 25, 1887. Neither the applicant nor her husband are enrolled on the authenticated roll of 1880. She did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

The Office is of the opinion that the decision of the Commissioner rescinding, setting aside and holding for naught the decision of the Commission of February 2, 1903, and denying the application for the enrollment of the applicant as an intermarried citizen of the Cherokee is correct and in accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al. vs. the United States, and it is therefore recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE

D.C. 12416-1907

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

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March 1, 1907.

I.T.D. 5294, 5306, 5300, 5314-07
5318, 5322, 5328, 5390- "
5416, 5420, 5436, 5438- "
5444, 5454, 5456, 5458- "
5472, 5480, 5482, 5492- "
5510, 5522, 5528, 5532- "
5540, 5056, " "

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases,
adverse to the applicants, are hereby affirmed. Copies of In-
dian Office letters submitting your reports and recommending
that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Malinda A. Gtingle et al.	December 29, 1906
James M. Wilkerson et al.	January 7, 1907
Joseph H. Swadley et al.	January 4, 1907
Mary J. Rogers (intermarried)	February 8, 1907
George W. Garrison et al.	October 19, 1906
Willis T. Richards (intermarried)	February 2, 1907
Viranda Franklin (intermarried)	February 2, 1907
Harriett Hubbard (intermarried)	February 2, 1907
Clara Rose and Coleman L. Abbott	January 25, 1907
Nancy Ward Chandler	January 17, 1907
Nancy J. Hail (intermarried)	January 30, 1907
Thomas York (intermarried)	January 30, 1907
Ann Jones (intermarried)	January 30, 1907
Bertha May Horton	February 9, 1907

Title of case.	Date of your letter of transmittal.
Clara Cagney et al.	February 12, 1907
Wilbert E. Loflin	February 1, 1907
Sarah Jane Redder	February 12, 1907
George Williams	February 12, 1907
Mary E. Palmer (intemarrried)	February 3, 1907
Rebecca J. and Anna Caroline Powell	February 12, 1907
Joseph C. Cooper	December 31, 1906
William Oscar Yeates et al.	December 30, 1906
Howard Raymond Meats (freedman)	February 11, 1907
Albert and Goldie Bizaroth	February 11, 1907
Thomas Lewis	February 6, 1907
David Henry Lewis	February 1, 1907

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

26 inclosures.

56 inc. to Ind. Of.

APM
5-1-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10149

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

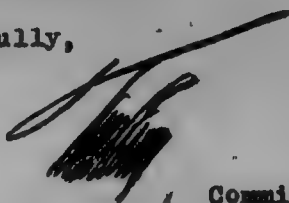
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 5, 1907, rejecting the application for the enrollment of Mary M. Palmour as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl. H-28
JMH

Mary M. Palmour

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of "20/00

I Memo. of Application of "20/00

P. Notice of final Consideration, 3/11/02

D Verified copy, marriage license, 24000.

C Order closing fast. May 3/10/02

Decision

12/30/02

See Cher. Jacket 5663

Cher D 853

Cher D 853

THE CIVILIZED ATTITUDE TOWARD THE INDIAN

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THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 40. PART 1. 1910.
LONDON: PUBLISHED BY THE INSTITUTE.
1910.

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century.

ST. CHARLES DE DIEPPE

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UNITED STATES DEPARTMENT OF AGRICULTURE

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D-661

Department of the Interior,
Commission to the Five Civilized Tribes,
Sankt Chelsea, I. T. November, 21, 1900.

In the matter of the application of Charletta Harris, Cherokee Card
D-661 supplemental.

JOHN HARRIS' EXHIBITS WERE BEFORE THE COMMISSION TESTIFIED AS FOLLOWS-

- Q What is it that you now desire to prove, Mr. Harris? A. In regard to a name.
Q You desire to prove that S. E. Garland who was admitted to Cherokee citizenship by act of the Cherokee Commission on citizenship on the 3rd of September, 1883 is the identical person for whom you yesterday made application as Charletta Harris, your wife? A. Yes sir.
Q Can you explain this discrepancy in any way? A. Yes sir.
Q How was it? A. She says the clerk made a mistake when she was admitted and put it "S" instead of "C". That is what she says, I was not there.

J. R. MERRELL called and sworn as a witness testified as follows.

- Q What is your name? A. J. R. Merrell.
Q What is your age? A. 53.
Q What is your post office address? A. Chelsea.
Q Are you acquainted with John Harris? A. Yes sir.
Q Acquainted with his wife, Charletta? A. Yes sir.
Q Do you know of your own personal knowledge that his wife was admitted in 1883 by the Cherokee Commission on citizenship? A. Yes sir.
Q Under what name was she admitted? A. According to the papers she was admitted as S. E. Garland. She was a daughter of Baxter Garland.
Q Do you know how it happened that she was admitted as S. E. Garland when her correct name was Charletta? A. No sir.

CHARLOTTA E. HARRIS called and sworn as a witness testified as follows-

- Q Are you the wife of John Harris? A. Yes sir.
Q When were you married to him? A. January 7th 1899.
Q Were you admitted to Cherokee citizenship in 1883? A. Yes sir.
Q Under what name were you admitted? A. They got it down as S. E. Garland.
Q What does the "S" stand for? A. I don't know, my name is Charletta E.
Q Your correct name then was Charletta E. Garland? A. Yes sir.
Q How did you sign it then? A. C. E. Garland.

BY CHEROKEE REPRESENTATIVE STARR.

- Q Did you have any brothers or sisters at that time named S. E. Garland? A. No sir.
Q Were you the eldest member of that family? A. The oldest living at that time.
Q What was your mother's name? A. Elizabeth Nelson.
Q What is her full name now? A. Elizabeth Nelson Garland.
Q That S. E. Garland could not be your mother then? A. No sir.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 26th of November, 1900.

Chas von Weise
McNee
Int
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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ACTING CHAIRMAN

Handwritten signature
W. B. Smith

7

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholsea, I.T., November 22, 1900.

In the matter of the application of John William Harris for the enrollment of himself as a Cherokee by intermarriage, and his wife and children as Cherokees by blood; he appearing before the Commission, and being duly sworn and examined, testified as follows:

- Q What is your name? A John William Harris.
- Q How old are you? A 23.
- Q What is your post office? A Cholsea.
- Q Are you a Cherokee by blood? A No, sir, by adoption.
- Q For whom do you make application? A I have a wife and three children.
- A Do you apply for yourself? A Yes, sir.
- Q How long have you actually resided in the Cherokee Nation? A I have been here about 13 years.
- Q Have you been outside the Nation for any purpose within the past three years? A I haven't lived out, no, sir.
- Q Have you been out for any purpose? A I have been in Southwest City for a day or two on a visit.
- Q What is the name of your father? A His name was John Harris.
- Q Your father living? A No, sir.
- Q What is the name of your mother? A Saphronia Harris.
- Q Is she living? A Yes, sir.
- Q Were your parents ever recognized as citizens of the Cherokee Nation? A No, sir, I think not.
- Q Are you married? A Yes, sir.
- Q What is the name of your wife? A Charlotte Garland; Harris is now.
- Q Is she living? A Yes, sir.
- Q How old is she? A 27 I believe.
- Q Is she a Cherokee by blood? A Yes, sir.
- Q What degree of Cherokee blood do you claim for her? A 1/16, I believe she claims.
- Q How long has she actually resided in the Cherokee Nation? A I think she has been here about, since 1883.
- Q What was the name of her father? A Baxter Garland.
- Q Is he living or dead? A He is living.
- Q Is he a white man or a Cherokee? A He is a white man.
- Q What was the name of her mother? A Lizzie Garland.
- Q Is she living? A Yes, sir.
- Q Is she a Cherokee? A Yes, sir, that is to be.
- Q Give me the name of your oldest child? A William Baxter.
- Q How old is he? A 11 years old next April.
- Q What is the name of the next child? A Thomas Mack.
- Q How old is he? A He was 6 years old the 15th of September.
- Q The next child? A The next child is 2 years old the 7th of last July; its name is John Frederick.
- Q Is that all your children? A Yes, sir.
- Q These children are all alive and living with you at the present time? A Yes, sir.
- Q You are the father of the children? A Yes, sir.
- Q Your present wife is the mother? A Yes, sir.
- Q Were these children all born in the Cherokee Nation? A Yes, sir.
- Q Have they lived here continuously since that time? A Yes, sir.
- Q Was your wife ever admitted to citizenship by an act of the Cherokee National Council or the Commission on Citizenship? A Yes, sir.
- Q Have you any evidence of that fact? A Yes, sir.
- (The applicant presents a certified copy of an act of the Cherokee Commission on Citizenship, dated at Tahlequah, on the 3rd of September, 1883, signed by Thomas Teehee, President of the Commission, Alexander Wolf and T. F. Thompson, Commissioners, and D. W. C. Duncan, Clerk of the Commission. Various persons were admitted to citizenship at that time, among whom appears the name of one S. E. Garland.)
- Q Is the S. E. Garland mentioned in this document your wife? A I guess so.
- Q How does it happen she was admitted to citizenship under the name of S. E. Garland and you now desire to enroll her under the name

John W. Harris - 2.

of Charlotta? A I don't know how that mistake got in there, I can't say; I know that is the name, though; she said it was on there as S. E. Garland.

Q Do you know of your own personal knowledge that the S. E. Garland there admitted to citizenship was the same person as your wife Charlotta? A Yes, sir.

Q How do you know it? A It is Baxter Garland's oldest daughter, and she said that in the way they put her name down.

Q Was that simply a clerical error on the part of the Clerk of the Commission, to insert her name there as S. E. Garland? A Well, sir, I don't know, I reckon it was.

Q Has your wife ever been known by any other name than Charlotta?

A No, sir, everyone calls her Lottie for short.

Q When were you married; have you any evidence of your marriage?

A Yes, sir.

(The applicant presents a Cherokee marriage license authorizing the marriage of J. W. Harris, a citizen of the United States, and Miss Charlotte Garland, a citizen of the Cherokee Nation. The license was issued on the 7th day of January, 1889, by C. S. Shelton, Clerk of Delaware district; and a certificate showing that said marriage was consummated on the 7th day of January, 1889, by C. S. Shelton, Clerk of Delaware district, Cherokee Nation. The license and certificate are filed herewith.)

Q Your wife's name appears in this document as Charlotta? A Yes, sir.

Q Have you since lived with your wife continuously since 1889?

A Yes, sir, all except she went away five years ago to her father's and stayed four or five months.

Q For what reason did she go to her father's, did she leave you?

A No, sir, there wasn't anything said about us separating.

Q Was she visiting her father? A It seems so; she was a little miffed at the time.

Q You have lived together continuously for five years? A Yes, sir.

Q Why did she leave you at that time? A She got a little bit miffed at me about something; we disagreed a little.

Q Did she ever leave you at any time but that? A No, sir.

Q How long did you live with her before she left you? A Five or six years - I suppose; we have been married something over 11 years I reckon; I believe it was 1889.

Q Did your wife ever have a brother or a sister named S. E. Garland? A Not that I know of; she has two brothers and four or five sisters.

Q Do the names of any of these sisters or brothers begin with the letter S? A Not that I know of.

(John W. Harris on 1886 roll, page 200, No. 500, Cooweescoowee district. Charlotta Harris on 1886 roll, page 180, No. 2347, Lotta Harris, Cooweescoowee district. William S. Harris on 1886 roll, page 180, No. 2348, Wm. S. Harris, Cooweescoowee district. Thomas M. Harris on 1886 roll, page 180, No. 2349, Thomas Harris, Cooweescoowee district.)

The applicant applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife and three children as citizens by blood. He is identified upon the census roll of 1886 as an adopted white. He produces satisfactory evidence as to his marriage in accordance with the laws and customs of the Cherokee Nation on the 7th day of January, 1889. He and his wife separated about four or five months within the last five years after they were married. They have now been living together continuously for the past five years. He will be listed for enrollment as a Cherokee citizen by intermarriage. His wife, Charlotta, is identified upon the census roll of 1886 under the name of Lotta Harris, a native Cherokee. The applicant produces satisfactory certificate of admission, in which he claims that his wife was admitted to citizenship in 1883 by an act of the Cherokee Commission on citizenship. The person named in that certificate, the one whom he claims to be his wife, appears therein as S. E. Garland. The applicant avers that his wife has always been known either as Lotta or Charlotta. The Commis-

John W. Harris - 3.

sion is unable to reconcile the S. W. Garland who was admitted in 1883 as being the wife of the applicant, consequently her application for enrollment as a citizen by blood of the Cherokee Nation will be placed upon what is known as a doubtful card, and the applicant will be required to bring before the Commission personal testimony to prove that the S. W. Garland who is mentioned in the certificate of admission to citizenship in 1883 is the same person as his wife Charlotte. His two oldest children are identified upon the census roll of 1896 as native Cherokees. Their residence in the Cherokee Nation has been established to the satisfaction of the Commission. They will be enrolled as citizens by blood of the Cherokee Nation, and when he files with the Commission properly executed affidavits as to the birth of his two youngest child, this child will also be listed for enrollment as a citizen by blood. For the reason that the enrollment of the applicant's own enrollment and of his three children depend upon the admission of his wife to citizenship in 1883, he and his three children will now be listed for enrollment with her upon what is known as a doubtful card. When final judgment is rendered in his case, he will be notified in writing at his present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 21st of November, 1900.

Bruce C. Jones
L. L. Emerson
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John F. Harris, his wife, C. E., and her sons, William S., Thomas
W., and John F. Harris, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

On November 21, 1900, there was filed with the Commissioner
to the Five Civilized Tribes, a certified copy of a certificate of
enrollment, issued out of and by the Office of the Commissioner of the
Cherokee Nation, Cherokee Nation, Cherokee, under date of the 7th
day of September, 1883, one E. M. Garland was admitted to citizenship.

It further appears that on the same date, oral evidence
was introduced, which proved that the name E. M. Garland in certifi-
cate of enrollment hereinafore mentioned, was placed there through
mistake, and that it should have read C. E. Garland; the full name
prior to marriage with John F. Harris, being Charlotte M. Garland.

There has also been filed on the 10th day of December,
1900, an "Affidavit of Mother", showing that on the 7th day of July,
1884, John F. Harris, one of the applicants in this case, was born
to C. E. Harris, the legal wife of John William Harris. The affi-
davit is accompanied by an "Affidavit of Mid-wife", who was in at-
tendance at the aforesaid birth.

All of the above papers are on file in the office of the

Commissioner.

It is directed that copies of this statement be filed with
the testimony in this case.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Harris, his wife, S. E., and his sons, William B., Thomas E., and John F. Harris, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

On November, 21, 1900, there was filed with the Commission to the Five Civilized Tribes, a certified copy of a certificate of admission, issued out of and by the Office of the Committee on Citizenship, Tahlequah, Cherokee Nation; Whereby, under date of the 7th day of September, 1893, one S. E. Garland was admitted to citizenship.

It further appears that on the same date, part of evidence was introduced, which proved that the name S. E. Garland in certificate of admission hereinbefore mentioned, was placed there through mistake, and that it should have read C. E. Garland; the full name prior to marriage with John W. Harris, being Charlotta E. Garland.

There has also been filed on the 13th day of December, 1900, an "Affidavit of Mother", showing that on the 7th day of July, 1893, John F. Harris, one of the applicants in this case, was born to C. E. Harris, the lawful wife of John William Harris. The affidavit is accompanied by an "Affidavit of Mid-wife", who was in attendance at the aforesaid birth.

All of the above papers are on file in the office of the Commission.

It is directed that copies of this statement be filed with the testimony in this case.

Dated at Muskogee, Indian Territory,

Commissioner.

this 14 day of March 1901.

Q Are there children, William H. Thomas? A Yes, sir.
 Q How many children? A Yes, sir.
 Q Have they lived in the Cherokee Nation since their birth up to the present time? A Yes, sir.

H. W. Starr,

Q What was the name of your first wife? A Margaret Meeks.
 Q Where were you married to her? A State of North Carolina.
 Q Where were you living when she died? A We were living in Georgia.
 Q What town? A Near Mount Airy, Georgia, on the railroad.
 Q How long had she been dead before you married the present wife? A Some three or four years.

Reata Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony and proceedings in the matter of the foregoing application, and that the above is a true and correct transcript of the same.

Witness my hand and seal this 1st day of October, 1901.

Notary Public.

0853

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 11, 1902.

In the matter of the application of John W. Harris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, C. E. Harris, and his three minor children, William B., Thomas M., and John F. Harris, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN W. HARRIS, being sworn, testified as follows:

By the Commission,

- Q What's your name? A J. W. Harris.
Q What is your age at this time, Mr. Harris? A Forty-three.
Q What's your postoffice address? A Chelsea.
Q Are you the same John W. Harris that made application to this Commission for enrollment as an intermarried citizen in November, 1900? A Yes, sir.
Q What is your wife's name? A Lottie Harris.
Q Has she got any middle name? A Lottie Elizabeth, I believe.
Q Is her right name Charlotte? A Yes, sir, I think so.
Q Is she living, Mr. Harris, at this time? A Yes, sir.
Q Is she a Cherokee by blood? A Yes, sir.
Q When were you married to your wife, Lottie? A '89, January 7th, I believe.
Q Were you married under Cherokee license? A Yes, sir.
Q Where? What District? A Delaware District.
Q Were you ever married before you were married to your present wife? A Yes, sir.
Q How many times had you been married? A Once.
Q Was your first wife a white woman or a Cherokee? A A white woman.
Q Was she living or dead when you married this woman? A She was dead.
Q Had this wife ever been married before you married her? A No, sir.
Q You're her first husband and she's your second wife? A Yes, sir.
Q Now, have you and your wife, Lottie, lived together as husband and wife from the time of your marriage up to the present time? A Yes, sir, with the exception of about eleven months. She went away to her father's and stayed eleven months about six years ago, but she came back.
Q With the exception of that one separation you have been together all the time? A Yes, sir.
Q Were you living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q You did not procure a divorce nor she procure a divorce when you were separated about six years ago, did you? A No, sir.
Q Did either of you apply for a divorce? A No, sir.
Q You have never been married to any other woman since you were married to Charlotte? A No, sir.
Q Have you lived in the Cherokee Nation since you married your wife in '89 up to the present time? A Yes, sir, and about four years before.
Q Has she lived here all the time since 1889 in the Cherokee Nation? A Yes, sir.

Q Are these children, William B., Thomas H., and John F., your children by your wife, Charlotte E.? A Yes, sir.
Q Are they all living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation since their birth up to the present time? A Yes, sir.

By Mr. Starr,

Q What was the name of your first wife? A Margaret Meese.
Q Where were you married to her? A State of North Carolina.
Q Where were you living when she died? A We were living in Georgia.
Q What town? A Near Mount Airy, Georgia, on the railroad.
Q How long had she been dead before you married the present wife?
A Some three or four years.

Betta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Betta Chick

Subscribed and sworn to before me this 22nd day of October, 1902.

W. B. Jones

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D-883.

In the matter of the application for the enrollment of John W. Harris as a citizen by intermarriage, and for the enrollment of his wife, Charletta E. Harris, and for their minor sons, William B., Thomas M., and John F. Harris, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, John W. Harris appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Charletta E., and their minor sons, William B., Thomas M. and John F. Harris, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on October 11, 1902.

The evidence shows that on January 7, 1889, John W. Harris married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, one Charletta Garland, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 3, 1883. As a result of that marriage, the minor children applicants herein were born. John W. Harris, Charletta E. Harris, William B. Harris and Thomas M. Harris are identified on the Cherokee Census Roll of 1896. John F. Harris, having been born subsequent to said roll, is duly identified by a birth affidavit, made a part of the record herein.

The evidence further shows that John W. Harris has lived with his said wife, Charletta E. Harris, in the Cherokee Nation continuously since 1889, up to and including September 1, 1902. The minor children have resided in said Nation continuously since birth and were residents therein on the date of this application.

It is, therefore, the opinion of this Commission that John W. Harris should be enrolled as a citizen by intermarriage, and that Charletta E. Harris, William B. Harris, Thomas M. Harris and John F. Harris should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

NOV 20 1902

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COMMISSIONERS

HENRY L. DAVIS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-853.

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

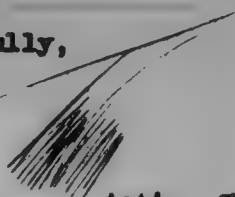
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of John W. Harris for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Charlotta E. Harris, and his minor children, William B., Thomas M. and John F. Harris, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-198.

IN THE MATTER OF THE APPLICATION OF

John W. Harris et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of "20/00"

B Memo. of testimony of "20/00"

C Supplemental testimony of "21/00"

D Certificate of testimony of "21/00"

E Certificate of admission

F Certificate of John W. Harris

John W. Harris
Supplemental
John W. Harris

Cher D 854

Cher D 854

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1900.

the committee, as, being aware, that the photograph to
the committee to the same of which is recorded
the testimony and correspondence of the committee for 1911-
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ship, in the session of the House Representatives present.
The does not produce any documentary evidence as to this fact.
The was lived in the House of Representatives for fifteen years.
For the reason that she does not produce either the original
or a certified copy of the certificate submitted for citizenship
in the House of Representatives, she will be placed upon that known as
a doubtful card, and will be required to file with the committee
either the original or a certified copy of the certificate in the
National Council of Citizenship (which is not to be taken in the
citizenship section).

Handwritten notes:
Mary Smith
1001

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Chickasaw, La., November 21, 1900.

IN THE MATTER OF THE APPLICATION OF MARY LOUISE CHILDERS
FOR HER ENROLLMENT HERSELF AS A CHEROKEE BY BLOOD/
The said Mary Louise Childers, being sworn by Commissioner C. R.
Weeks, was examined by the Commission, and testified as follows:

Q What is your name? A Mary Louise Childers.
Q How old are you? A About twenty-nine, the nearest I can
guess.
Q What is your post office address? A Tulsa, Indian Terri-
tory.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A About one-
fourth, I guess.
Q For whom do you make application? A Just myself.
Q How long have you actually resided in the Cherokee Nation?
A About eighteen years.
Q Have you been outside of the Cherokee Nation within the past
three years? A To live out?
Q Yes. A No, sir.
Q What is the name of your father? A William Charley.
Q Is your father living or dead? A My father is dead.
Q Was your father a Cherokee? A Yes, sir.
Q What is the name of your mother? A My mother's name now is
Nancy Hogue.
Q Your mother is living? A Yes, sir.
Q Is your mother a Cherokee? A No, sir.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A Sam Childers.
Q Is he living? A Yes, sir.
Q How old is he? A Thirty.
Q Is he a Cherokee? A No, sir; he is a Creek.
Q Have you any children? A No, sir.
Q When were you married to Childers? A In 1894, October
15th, 1894.
Q Were you ever admitted to citizenship by an act of the National
Council? A I think I have.
Q Have you any evidence of that fact? A No, sir.
1896 Roll, page 140, No. 1223, Mary Childers, Coweescowee
District.
Q Did you draw money in 1894 from the Cherokee Nation? A
Yes, sir.
Q Where were you born? A I don't know. In Oklahoma, I
reckon.
Q Did you come to the Cherokee Nation eighteen years ago?
A Yes, sir.
Q Had you ever lived here before that time? A I don't know.
Q Was Sam Charley your grandfather? A Yes, sir.

THE COMMISSIONER: The name of the applicant is found upon the list
of persons admitted and readmitted to Cherokee citizenship by an
act of the National Council and Commission on Citizenship in the year
1896 and since that year. This list is in the possession of the
Cherokee Representative present. The name appears upon the list
of Mary Childers, admitted by the Council on the 8th day of December,
1894.

Q Do you have any documentary evidence of your admission to
citizenship in 1894, have you? A No, sir.

THE COMMISSIONER: The applicant applies for the enrollment of
herself as a Cherokee by blood. She is not identified
upon the roll of 1896. She is identified upon the
roll of 1896 as a Native Cherokee. Her name appears upon the
list of persons admitted and readmitted to Cherokee citizen-

ship, in the possession of the Cherokee Representatives present. She does not produce any documentary evidence as to this fact. She has lived in the Cherokee Nation for sixteen years.

For the reason that she does not produce either the original or a certified copy of the certificate admitting her to citizenship in the Cherokee Nation, she will be placed upon what is known as a doubtful card, and will be required to file with the Commission either the original or a certified copy of the act of the Cherokee National Council or Commission admitting her to citizenship in the Cherokee Nation.

The undersigned, being sworn, states that stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of November 1900.

Commissioner
L. V. Emerson
Mary Public

100-100000

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., March 18, 1902.

TO THE CHIEF, IN THE MATTER OF THE APPLICATION OF MARY J. CHIL-
DRESS as a citizen of the Cherokee Nation:

Whereas, the said Mary J. Childress, do hereby certify that she was born on
18, 1848, and for up to the time of the removal of herself as
a citizen of the Cherokee Nation, she was taken up for final
consideration by the Commission at its office in Muskogee,
Indian Territory, on the 14th day of March, 1902, her name was
being considered of her testimony in this case, and on the 14th day of March, 1902,
was continued by agreement until the 19th day of March, 1902.
The said Mary J. Childress, do hereby certify that she is now being
considered in person. The record in this case is now being
closed, and the case will be referred to the Commission for
final decision based upon the evidence in this case.

The said Mary J. Childress, do hereby certify that she is now being
considered in person. The record in this case is now being
closed, and the case will be referred to the Commission for
final decision based upon the evidence in this case.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

JOHN CHILDRRESS

I, J. J. Childress, do hereby certify that I am employed with an
intention to the Commission to the Five Civilized Tribes that I
correctly recorded the testimony and proceedings in this case, and
that the foregoing is a true and complete transcript of my sten-
ographic notes thereof.

Supl.-C.D.#354.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY L. CHILDERS as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date the case was continued by agreement until the 19th day of March, 1902. The applicant this day, to-wit: the 19th day of March, 1902, appears in person. The record in the case is now deemed completed and the case will be reported to the Commission for final decision based upon the evidence now of record.

The applicant requests and will be granted ten days from date hereof in which to furnish the Commission with evidence of her admission to citizenship in the Cherokee Nation by the Cherokee National Council.

---000000000---

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary L. Childers for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Mary L. Childers appeared before the Commission at Chelsea, Indian Territory and made personal application for her enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that Mary L. Childers, under the name of Mary Charley, was admitted to citizenship in the Cherokee Nation, by an Act of the Cherokee National Council on December 8, 1881. She is identified on the Cherokee Census roll of 1896, under her married name.

The evidence further shows that the said Mary L. Childers has resided in the Cherokee Nation for eighteen years, and that she was a resident of said Nation at the time of the application herein.

It is, therefore, the opinion of this Commission that Mary L. Childers should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this

SEP 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 854.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

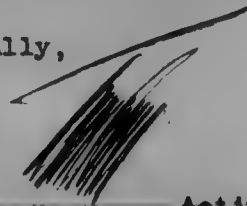
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Mary L. Childers for the enrollment of herself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 30.

THE MATTER OF THE APPLICATION OF

Mary L Childers

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(A) Original testimony of "2/1/00.

(B) Memo. of Publication of "2/1/00

(C) Notice of final Consideration, 3/11/02

(D) Certified copy of readmission

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

Transferred to Cherokee jacket 4796

Cher D 855

Cher D 855

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED

FILE NO.

NO. 1

[Handwritten signature]

CLERK OF THE COURT

OFFICE OF THE CLERK OF THE COURT

COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
WASH. D. C. OFFICE 4th, 1890.

An application for the enrollment of Laura A. Rogers for the enrollment of herself and one child as citizens of the Cherokee Nation; said Rogers was examined by Commissioner C.R. Breakbridge, testified as follows:

Q Give me your full name? A Laura A. Rogers.
Q How old are you? A 54.
Q What is your place of birth? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and one child.
Q Your sons under 21 years of age? A Yes, sir, he is 19.
Q Are you Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 54 years.
Q All your life? A Yes, sir.
Q Give me the name of your father? A James S. West.
Q Is he dead or alive? A Dead.
Q Give me the name of your mother? A Mahalia West.
Q Is she dead or alive? A Dead.
Q What was your name before it was Rogers? A Gray, I was married before.
Q Only once before? A Twice.
Q What was it before it was Gray? A Gray at first, second it was Young.
Q Is your husband Young dead? A Yes, sir.
Q When did you marry Gray? A In 1869.
Q When did he die? A He died in 1877.
Q When did you marry Young? A In 1880.
Q When did he die? A 1883.
Q You are on the roll of 1880 then as a Young? A No, sir, Gray, I just kept my name.
Q And on the 1896 roll you are what? A Rogers.
Q Is Rogers dead or alive? A He is alive.
Q What is his full name? A W.C. Rogers.
Q You and he living together? A No, sir, we have separated.
Q When was it you married him? A In 1897, March 21st, and we separated in 1893.
Q You got a divorce from him? A Yes, sir.
Q Give me the name of the child? A Frank L. Young.
Q This is a child of your second marriage? A Yes, sir.
Q How old is he? A 19.
Q He is living now, is he? A Yes, sir.
Q And living with you? A Yes, sir.
1880 enrollment; page 112, #1298, Laura A. Gray, Cooweescoowee.
1896 enrollment; page 170, #2053, Laura A. Gray, Cooweescoowee.
1896 enrollment; page 291, #3400, Frank L. Young, Cooweescoowee.

Com'r Breakbridge:--The applicant applies for the enrollment of herself and one child. She is identified on the rolls made of 1880 and 1896 under the name of her first husband. She will be listed now for enrollment as a Cherokee by blood. She has lived in the Cherokee Nation all her life. Her child of her second husband is identified with her on the roll of 1896. He is alive at this time, and will be listed for enrollment as a Cherokee by blood.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October, 1890.

Department of the Interior.
Commission to the Five Civilized Tribes.
Cherokee, I. T., November 21, 1900.

In the matter of the application of Cicero F. Rogers for enrollment as a Cherokee citizen, he being sworn and examined by Commissioner C. R. Breakridge, testified as follows:

Q Give me your full name. A Cicero F. Rogers.

Q How old are you? A 45.

Q What is your postoffice? A Ruby.

Q In what district do you live? A Cooweescoowee.

Q For whom do you make application, for enrollment; yourself and family? A Just myself.

Q Are you a Cherokee by blood? A No sir.

Q Let me see your marriage license and certificate? #

Q When were you married? In '91.

The applicant presents an official copy of the records of Going-sunke district showing that a license was issued to him by the Clerk of the district on the 21st of March, 1891, authorizing his marriage to Mrs. L. A. Haymaker, and the certificate shows that they were married on the same date by the Clerk of the district. These documents are filed herewith.

Q Is your wife dead? A No sir.

Q She's not living with you? A No sir, we are separated.

Q How long did you live with her after your marriage? A About four years.

Q Have you a divorce from her? A Yes sir, we are divorced; she applied for a divorce. We didn't have a suit we compromised.

Q Have you a copy of the decree? A No sir, I haven't.

Q Is your wife a Cherokee by blood? A Yes sir.

Q How long has she lived in the Cherokee Nation? A All her life; she was born here.

Q Give me the name of her father. A ---West, don't know his first name.

Q Give me the name of your mother. A She was a Dundan.

Q How old is your wife? A She's about 30.

Q What was her name in 1880; do you know? A Gray; I think her first husband.

Q How often have you been married? A Three times.

Q Were both of your former wives dead when you married this wife? A Yes sir.

Q How often has she been married? A I think three times.

Q Both of her former husbands dead when she married you? A One was; I don't know whether the other was dead or not.

Q Give me the name of her first husband. A ---Gray; I don't know his first name.

Q Is he dead? A Yes sir.

Q Give me the name of her second husband. A ---Haymaker.

Q Is he dead? A I don't know whether he is or not.

Q She separated from him? A Yes sir.

Q Did she ever get a divorce from him? A I don't know whether she did or not; she hadn't seen or heard of him for seven or eight years.

Q When did she separate from him? A I couldn't say; she was separated about seven or eight years when we were married. She hadn't heard of him.

Q What is the L. in your wife's name? A Laura.
1880 roll; page 118, #1298, Laura A. Gray, Cooweescoowee.

Q You don't think you are on the roll of 1896? A I guess not, I didn't enroll; my wife said she had me enrolled at Pryor Creek.

J. L. Baugh, representative of the Cherokee Nation-

Q In your separation from your wife, did she leave you or did you leave her? A She left me.

Q Did you remain on the place where you and her were living together? A Yes sir.

Q What was the cause of her leaving you? A There wasn't a great deal of cause.

B- C.F.R.

She would go off and stay away for eight weeks at a time; and I told her I wish she would stay at home, and she got mad about that. I told her that it was right to go when it was right to go, but I didn't approve of her going away for eight weeks at a time. She said she would pull up the tent and leave, and I told her to consider what she was doing. I told her I didn't approve of separating and then coming together again.

Q Did you always expect yourself as a husband should towards his wife? A Yes sir.

Q You never mistreated or ill-treated her in any instance? A No sir, never did in my life. We were getting along fine when she was at home.

Commissioner-

Q On what ground did she get a divorce? A I don't really know.

By J.L. Baugh-

Q You didn't answer the allegation? A No sir; we compromised; I gave her \$350.00, and she let me keep the place. She kept her stock and I kept mine.

Commissioner-

Q Have you ever remarried? A No sir.

Commissioner Breckinridge-

The applicant files official evidence of his marriage under a Cherokee license to a Cherokee woman March 21, 1891. He states that they lived together about four years and then separated. He is not identified on the roll of 1893. Giving him the benefit of the assumption that he acquired citizenship at the time of his marriage, he will be placed upon a doubtful card as a Cherokee by intermarriage, and he is required to supply the Commission with a copy of the decree of divorce between himself and his last wife. He states that he was twice previously married, but his former wives were dead when he married this wife; that she was twice previously married; that her first husband ~~Wm. H.~~ Gray, was dead when he married her, and that she was separated from her second husband, Haymaker, and he is of the opinion that she had procured a divorce from Haymaker. He is required to supply the Commission with a copy of that decree of divorce. The Commission will also further consider the circumstances of the separation between himself and his late wife. He has not remarried since the separation from his wife.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 31st day of November, 1900.

Commissioner.

9863

(A)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 1900

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

In the matter of the application of Robert L. Garrett, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

The applicant and his attorneys were notified by registered letter February 14, 1902, that the application of Robert L. Garrett, for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by his attorneys Mallette & Smith.

The attorneys for the applicant and the representative of the Cherokee Nation present, submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicant request and will be granted fifteen days in which to file a brief in this case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.


Commissioner.

Commissioner of the Interior,
Department of the Interior, Washington, D. C.
June 15, 1902.

[illegible]

Q. Now, you submit this one without
any other evidence or anything?
A. Yes, sir.
Q. And you submit this one without
any other evidence or anything?
A. Yes, sir.
Q. And you submit this one without
any other evidence or anything?
A. Yes, sir.
Q. And you submit this one without
any other evidence or anything?
A. Yes, sir.

[illegible]

...do hereby certify upon my official oath as
attending to the commission to the civilized tribes, that
not only the cotton and proceeds in this case
had been paid, and that the foregoing is a true and complete
abstract of my aforesaid notes thereof.

Supl.-C.D.#855.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of CICCRO F. ROGERS as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission of Mr. Sequichie: Do you submit this case without supplying the Commission with evidence of divorce of the applicant's wife from her former husband?

Mr. Sequichie: It can't be gotten.

Commission: Do you submit the case?

Mr. Sequichie: Yes, sir.

The applicant was notified to furnish the Commission with certified copy of the decree of divorce of his wife from her former husband, one Haymaker.

The Agent for the applicant in behalf of the applicant, who is present, and the Cherokee Nation by its representatives submit the case. The same is considered completed, and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOooOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case had on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

1 It's been about five or six years ago
Q Ed. C. Bagley, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled case, and that
the foregoing is an accurate transcript of his stenographic notes
of the same.

1 Right where I can find it.
Q That was on a 12th of November, 1902.
1 Subscribed and sworn to before me, this November 24, 1902.

1 I stayed there until the 12th
Q She left the house
1 When did she leave?
Q I don't know
Q How long was she there?
1 I don't know
Q After her a little while, she was with me, I don't know how long
1 I was a separation something like that
Q Applied for a divorce and I granted her
1 What court did she go to for a divorce in?
Q In the District Court of the United States for the
1 Cherokee County

Q When was that?
Q I don't know
Q Do you know where her father got her?
1 I don't know

Q I don't know where her father got her
Q How did she go away?
A She left, she had a green bag, and she took some things away; we divided up the things.

Q You divided up the things - things separated?
Q You had an understanding right there and when that you would separate?

Q That was her father, yes sir, she still was wasn't going to live with me. I told her that she would consider it and I told her that she would stay with me if she would stay with me. I told her that she would stay with me if she would stay with me. I told her that she would stay with me if she would stay with me.

Q You told her that she would stay with me if she would stay with me?
A Yes sir, I told her that she would stay with me if she would stay with me.

Q You divided up the things - things separated?
A She took what she wanted and I took what I wanted.

Q Did you ever talk to her?
A In a little while after that, I saw her again.

Q The thing was nothing more, nothing more?
A No sir.

Q You never saw her again?
A No sir.

Q You never saw her again?
A No sir.

Q You never saw her again?
A No sir.

Q You never saw her again?
A No sir.

Q You never saw her again?
A No sir.

Ed. C. Bagley
Notary Public.

1802

Department of the Interior,
Commission to the Five Civilized Tribes,
Washkgee, I. T., October 23, 1902.

In the matter of the application of CICKERO F. ROGERS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

CICKERO F. ROGERS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your full name ? A Cicero Franklin Rogers.
Q How old are you ? A Sixty.
Q What is your post office address ? A Childers.
Q It was Ruby when you applied before ? A Yes sir.
Q Are you the same Cicero F. Rogers that applied to the Commission in November, 1900, for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q What was your Cherokee wife's name ?
A Her name was Laura A. West.
Q Is she living or dead ? A She's living.
Q When were you married to Laura A. West ? A In 1891.
Q Were you married under a Cherokee marriage license ?
A Yes sir.
Q Have you filed that license with the Commission ? A Yes sir.
Q Now Mr. Rogers, had you ever been married before you married Laura A. West ? A Yes sir.
Q How many times had you been married before you married her ?
A Twice.
Q Laura A. West, then, was your third wife ? A Yes sir.
Q What was your first wife's name ? A Amanda Hunt.
Q Was she a white woman ? A Yes sir.
Q When were you married to her ? A Washington County, Arkansas
Q Was she living or dead when you married Laura A. West ?
A She was dead.
Q What was your second wife's name ? A Charlotte Howell.
Q Where did you marry her ? A In Washington County.
Q Same county as the other one ? A Yes sir.
Q Was your second wife living or dead when you married Laura A. West ? A She was dead.
Q Both your wives were dead when you married Laura A. West ?
A Yes sir.
Q Had Laura A. West ever been married prior to her marriage to you ?
A Yes sir.
Q How many times ? A Twice.
Q What was her first husband's name ? A Gray.
Q Was he living or dead when you married her ? A Dead.
Q What was her second husband's name ? A Haymaker.
Q Was he living or dead when you married Laura A. West ?
A Supposed to be dead; he went back to Tennessee after they separated, and some of his relatives wrote back that he was dead. It had been nearly six or seven years.
Q Did your wife hear that Haymaker was dead before she married you ? A Yes sir.
Q He had been gone some six or seven years before you married ?
A Yes sir.
Q How long since she had heard from him before you were married ?
A It had been six years.
Q Have you and your wife Laura A. West lived together ever since your marriage up to the present time ? A No sir.
Q You have separated ? A Yes sir.

Q When did you separate ? A I don't remember the date.
Q How long have you been separated ?
A It's been about five or six years ago.
Q How long did you live with her after you and her were married ?
A I think about three years.
Q About three years ? A I think so; I can't remember dates well.
Q Where were you living when you separated ?
A Right where I do now.
Q That was on a farm was it ? A Yes sir.
Q Where did you go when your wife and you separated ?
A I stayed there; she left.
Q She left you there on the place ? A Yes sir.
Q Where did she go to ? A Down on Grand River, and then moved back near Centralia. She's living there now.
Q How came her to leave ? A I reckon she just got tired of me. She would go off and stay five or six weeks at a time, and I got after her a little, and she said well I could just stay by myself. We were separated something like three years, I think, when she applied for a divorce, and I granted her a divorce.
Q What court did she get her divorce in ? A Claremore.
Q In the Cherokee court or the United States court ?
A Cherokee court.
Q When was that ? A I can't tell you that either.
Q Do you mean to say that your wife just got up and left you without any cause whatever ? A Yes sir.
Q Never had any falling out at all ? A No sir, we had no fuss at all.
Q How did she go away, walk away or drive away ?
A No sir, she had a grown son, and he got a wagon and hauled her things away; we divided up the things.
Q You divided up the things when you separated ? A Yes sir.
Q You had an understanding right there and then that you would separate ? A That was her idea, yes sir, she said she wasn't going to live with me. I told her that she wanted to consider it well before separating and going back; and I told her if she would stay with me as long as I had a dollar half of it was here. I told her if she went off she couldn't come back any more.
Q You told her if she went off she couldn't come back any more ?
A Yes sir. I didn't approve of it.
Q You divided the household things right there ?
A She took what was hers and left mine. I told her to do it.
Q Have you ever since seen her ? A Yes sir.
Q Did you ever talk to her ? A Once, I believe on the 4th of July I met her and talked to her, I suppose, five minutes.
Q She didn't say anything about coming back and living with you any more ? A No sir.
Q You never went after her to come back and live with you ?
A No sir.
Q You just let her go ? A Yes sir.
Q Has she ever married since she got a divorce ? A No sir.
Q She is still a single woman ? A Yes sir.
Q Have you ever married since the divorce was granted ?
A No sir.
Q You were still a single man on the first day of September, 1902 ?
A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to your wife Laura A. West, in 1890, up to the present time ? A Yes sir. Right on the farm where I am now.
Q You never have lived out ? A No sir.

1891

RECEIVED

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RECEIVED

Marriage license.

Cherokee Nation,

Going Snake Dist.

To any person legally authorized to solemnize marriage Greeting:
You are hereby authorized to join in the holy bonds of matrimony
and to celebrate the rites and ceremonies of marriage between
Mr. C. F. Rogers a citizen of the United States and Mrs. L. A. Hay-
maker a citizen of the Cherokee Nation according to the usual cus-
toms and laws of the Cherokee Nation and you are required
to return this license to me for record within thirty days
from the celebration of such marriage with a certificate of the
same appended thereto and signed by you.

Given under my hand and seal of office this the 21st day of
March A.D. 1891.

J. R. Garrett, Clerk,

Going Snake Dist. Cherokee Nation.

Executive Office Cherokee Nation,

Tahlequah, I. T.

I, B. W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the foregoing is
a true copy taken from the marriage record of Going Snake District
Cherokee Nation now filed in this office by law and is in my
custody

Given under my hand and the seal of the Cherokee Nation this
the 20th day of October 1900.

B. W. Alberty
Assistant Executive secretary
Cherokee Nation.

Cherokee Nation

Going Snake Dist.

I, J.R. Garrett clerk of Going Snake Dist. Cherokee Nation hereby certify that on 21st March 1891 I joined in the holy bonds of matrimony Mr. C.F. Rogers a citizen of the United States and Mrs. L.A. Haymaker a citizen of the Cherokee Nation agreeable to the customs and laws of the Cherokee Nation.

Given under my hand this the 21st day of March 1891.

J.R. Garrett, Clerk of

Going Snake Dist. Cherokee Nation.

Executive Office Cherokee Nation,

Tahlequah I.T.

I, B.W. Alberry, Assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Going Snake District Cherokee Nation now filed in this office by law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 20th day of October 1900.

B. W. Alberry

Assistant Executive secretary

Cherokee Nation.

10855

Filed
Native
Nation

RECEIVED
OFFICE OF THE
SPECIAL AGENT
IN CHARGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAR 8 1904

RECEIVED
MAR 8 1904
MAR 8 1904

TO THE SECRETARY OF THE INTERIOR
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
RE: THE FIVE CIVILIZED TRIBES
The Commission to the Five Civilized Tribes, consisting of the Secretary of the Interior, the Commissioner of the Bureau of Indian Affairs, and the members of the Commission, have the honor to acknowledge the receipt of your letter of the 2nd inst. and to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
The Commissioner

EXECUTIVE ORDER

1. ALL THE
TERRITORIES
OF THE
UNITED STATES
SHALL BE
GOVERNED
BY THE
LAW OF THE
UNITED STATES

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TO THE SECRETARY OF THE INTERIOR
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
RE: THE FIVE CIVILIZED TRIBES
The Commission to the Five Civilized Tribes, consisting of the Secretary of the Interior, the Commissioner of the Bureau of Indian Affairs, and the members of the Commission, have the honor to acknowledge the receipt of your letter of the 2nd inst. and to inform you that the same has been forwarded to the proper authorities for their consideration.

109 In case of Laura Rogers vs C.F. Rogers;

Judgement was confessed for divorce only as will be shown
by agreement marked Doc. W 6 / 6 -96.

(For Doc.W 6 / 6 - 96 see page 131)

(P. 131)

109 Case of Laura A. Rogers vs C.F. Rogers ,Judgement confessed for
divorce only as is shown in Doc. 6/6 ,96.

Doc.W. 6/6-96.

This agreement entered into by and
between Laura A. Rogers and Party of the first part and C.F.

Rogers party of the second part witness: That party of the second
part hereby accepts service of a citation party of the first part has
~~part hereby accepts service of pending in~~, against him in the Cir-
cuit Court of Cooweescoowee District C.N. and consents that the
said Laura A. Rogers may have a decree for a divorce and that said
C.F. Rogers agree to pay the said Laura A. Rogers \$250.00 to be in full
settlement of all the property rights she claims against the said
C.F. Rogers up to date. In consideration of the money above mentioned
and the decree of divorce the said Laura A. Rogers agrees to strike-
out of her citation all the allegations that relates to the property
and the forfeiture of the said C.F. Rogers citizenship and to take
a decree for divorce only.

~~This agreement entered into this 4 day of June 1896.~~

This 4 day of June 1896.

Laura A. Rogers, Plf.
C.F. Rogers Deft.

Witness:

J.S. Davenport, for plain, f

E.C. Alberty, for Def, t.

Executive office Cherokee Nation,

Tahlequah Ind. Ter.

I, B.W. Alberty, assistant Executive secretary of
the Cherokee Nation do hereby certify that the above is a true copy
taken from the record of the Circuit Court of Cooweescoowee Dis-
trict Cherokee Nation now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the
6th day of March 1901.

B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cicero F. Rogers for his enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Cicero F. Rogers appeared before the Commission at Chelsea, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 30, 1902.

The evidence shows that Cicero F. Rogers was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on March 21, 1891, to Mrs. L. A. Haymaker, a citizen by blood of the Cherokee Nation.

The evidence further shows that the applicant lived with his said wife for four years following their marriage; that they then separated and that the wife of the applicant sued him for divorce, and on June 6, 1896, a decree of divorce was entered by mutual consent of the parties thereto.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1892), provides:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that the said Cicero F. Rogers abandoned his wife within the meaning of the section of the Cherokee law above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dasser	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Mahsa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hur	2385	William Brown	3344
Dora Savers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5083
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
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Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
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Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
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Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236
John E. Bitter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherland	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Electer D. Miller	5496
Emerson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612

William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Hoape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5776
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengé	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
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Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
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Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
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Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Usrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clara Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Pharriss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pailee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9949
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhancy	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oneico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878
Manuel Spencer	D 884
Benjamin H. Hulbert	D 891
Mary Brassfield	D 935
James L. Tindle	D 944
Silas G. Reneckar	D 966
Eliza Wofford	D 967
Jasper L. Newton	D 971
John N. Guinn	D 974
Hannah Parson	D 989
Nellie C. Helterbrand	D 1003
Thomas J. Welch, Jr.	D 1006
Lizzie Christian	D 1010
George Hazlewood	D 1013
James M. Jones	D 1022
Reuben A. Evans	D 1032
Carrie H. Cobb	D 1049
John M. Burns	D 1069
Sarah E. Henson	D 1083
Laura D. Henson	D 1086
Hettie E. Downing	D 1090
Benjamin F. Crain	D 1099
Benjamin Strickler	D 1129
Nancy Spaniard	D 1130
Annie Wilson	D 1131
Oru H. Maxwell	D 1135
Reuben W. Moore	D 1136
Cora Childs	D 1146
Janie Hughes	D 1179
Francis B. Reid	D 1180
Martha Carey	D 1195
Christina Johnson	D 1199
Louvenia Ironside	D 1208
Martha J. Henson	D 1218
David A. Martin	D 1228
Fred D. McEnery	D 1235
Nathaniel R. Martin	D 1261
James H. Requa	D 1266
Frank Carver	D 1267
Etta B. Payne	D 1270
Mary Garreft	D 1271
Joe W. Goodman	D 1272
Mathew J. Flanigan	D 1274
Lizzie C. Holland	D 1285
Etta Downing	D 1291
William Caywood	D 1296
Clarence W. Turner	D 1307
Alfred Chaney	D 1313
Euphemia Sweetwater	D 1314
Etta Russell	D 1319

Ella Vann	D 1320
Linnie Wofford	D 1330
Minnie Downing	D 1332
Katie Rider	D 1334
Samuel G. Mills	D 1337
Alfred H. Woods	D 1342
Cynthia Whitekiller	D 1352
Susie McSpadden	D 1361
Martha J. Houston	D 1363
Samuel M. Collier	D 1367
Katy Payne	D 1369
Joseph H. Warren	D 1375
Mattie Miller	D 1433
S. F. Moore	D 1434
Addie Schrimsher	D 1448
Fannie Vann	D 1458
Marcella Blakeney	D 1474
G. W. Williamson	D 1555
C. F. Walker	D 1558
Louisa Blevins	D 1567
Frank Cowles	D 1581
Mary Francis Madding	D 1637
Thomas Rodman	D 1661
Katie Still	D 1866
Ira Creach	D 1913
D. A. Mounts	D 1967
J. C. Sefton	D 1991
Jennie Holland	D 2024
Lou Sanders	D 2216
Caroline Barnes	D 2591
Lacey Crane	D 2592
Daisy Cash	D 2595
Hiram A. Landers	D 2599
Charles Neel	D 2603
Mattie Robinson	D 2605
Jennie Rich	D 2606
Alexander C. Russell	D 2607
Pricilla Ross	D 2608
Tom W. Reeves	D 2609
Mary Smart	D 2612
Rufus Tidmore	D 2613
Jasper Turquitt	D 2614
Mabel West	D 2618
Ophelia West	D 2619
Cora Whisenhunt	D 2620
Katy Martin	D 2667
Willis Butler	D 2686
Claud Barger	D 2687
Disie Conner	D 2698
John Culwell	D 2699

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Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Seroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

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Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
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Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
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Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 19,

1902.

Mr. Cicero F. Rogers,

Ruby, Indian Territory,

Sir:-

yourself

You are hereby notified that the application of

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of decree of divorce of your former wife L. A. from her former husband Haymaker.

Cherokee D-856
Register.

Yours truly,

XXXXXXXXXXXXXXXXXXXX
Acting Chairman.

Commissioner in Charge.

Cherokee No.
D/ 855

Muskegee, Indian Territory, January 10, 1907.

Cicero F. Rogers,
Childers, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D856

Muskogee, Indian Territory, March 14, 1907

Cicero F Rogers,

Childers, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.


Respectfully,

Encl.C-100
MTM

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1902.


ACTING CHAIRMAN

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S 855

IN THE MATTER OF THE APPLICATION OF

Cicero F. Rogers

FOR ENROLLMENT AS

CHEROKEE CITIZEN

Cher D 856

Trans. to Cher 10716

Cher D 856

Q456

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Chelsea, I. T., November 21, 1900.

In the matter of the application of Robert L. Garrett for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q Give me your full name? A Robert L. Garrett.
Q How old are you? A 37 years old.
Q What is your post-office? A Chetopa, Kansas.
Q In what district do you live? A Delaware.
Q Do you apply for yourself or have you a family
A I have a family.
Q Have you a wife? A Yes sir.
Q How many children? A 3.
Q Are you a Cherokee by blood? A No sir, I am Shawnee.
Q What is your wife? A A white woman.
Q How long have you lived in the Cherokee Nation?
A I come with the Shawnees in 1871.
Q And have you lived here ever since?
A No, I have been out of the Territory.
Q Where have you been? A In the State of Kansas.
Q You came here in 1871 though did you?
A I came here with these other Indians.
Q How long did you stay here when you came in 1871?
A I think I staid four years.
Q And then you returned to Kansas? A I went back to Kansas.
Q How long did you stay back there?
A I staid up there about 13 years.
Q And then did you come back here? A Yes sir.
Q And how long did you stay here at that time? A I staid here some six or seven years I guess, to the best of my knowledge.
Q And then what did you do? A I moved back to Kansas, three years ago this fall; moved back to Chetopa, Kansas; right across the line from the Territory.
Q And you have staid up there in Kansas schooling your children?
A Yes sir.
Q Are you engaged in business up there? A No sir.
Q Are you engaged in business on this side of the line? A Yes sir.
Q How far do you live across the Kansas line?
A About a mile and a half.
Q When you came back after staying there 13 years did you apply to the Cherokee Commission for admission? A No sir, I did not.
Q Did you ever apply to the Dawes Commission for admission? A No sir.
Q Give me the name of your wife? A Annie Garrett.
Q How old is she? A 36 years old.
Q When did you marry her? A 8 years ago.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Has she lived with you ever since you married her? A Yes sir.
Q Give me the names of your children? A Sarah Garrett.
Q How old is that child? A 12 years old.
Q What is the name of the next child? A Robert Lee Jr. 9 years old.
Q What is the name of the next child? A Calvin Gravens, named after Judge Gravens, of Fort Smith.
Q How old is Calvin C.? A 6.
Q These children are all living? A Yes sir.
Q What is the name of your mother? A Betay.

Robert L. Garrett et al 2

Q Is she dead? A Yes sir, she died when I was small.

Q How long since your father died? A He died about 9 years ago

1880 roll examined and name of applicant not found.

1896 roll page 604 #201 Robert L. Garrett Delaware Dist Shawnee

1896 roll page 573 #206 Annie W. Garritt, Delaware Dist

1896 roll page 604 #202 Sarah Garrettb Delware

1896 roll page 604 #203 Robert Garrett Delaware Dist

1896 roll page 604 #204 Calvin C. Garrett "

Q Did you have a brother named Richard? A Yes sir.

Q And one named George? A Yes sir.

Com'r: The applicant is identified on the roll of Shawnees who came to the Cherokee Nation in 1871.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and three children; he is identified on the roll of Shawnees who came to Cherokee Nation in 1871. He is not identified on the roll of 1880; he is identified on the roll of 1896 as a Shawnee; referring to the testimony for his statement as to the character of his residence, he will now be listed as an adopted Shawnee on a doubtful card, for the further consideration of his case;

He and his wife were married in 1887; neither of them was previously married; she is identified with her husband on the roll of 1896; they have lived together ever since their marriage she will now be listed on a doubtful card as a Cherokee by adoption;

The three children are identified on the roll of 1896; they are living now and will be listed with their parents on a doubtful card; they will be classed as Cherokee-Shawnees.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this 21 day of November 1900.

(signed) T. B. Needles

Commissioner.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the testimony and proceedings in the above stated case, and that the same is a true and correct copy of the original.

Mattie C. B. Hill

Sworn to and subscribed before me this 24th day of March, 1903.

Edward H. Merriam
Notary Public.

Encl 153

9M

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State of Missouri, } ss.
COUNTY OF JACKSON.



I, M. R. GOSSETT, Recorder of Deeds within and for the County of Jackson aforesaid,
do hereby certify that the above and foregoing is a full, true and complete copy of the

Application for License to Marry
and Certificate of Marriage
acknowledgment and note of Record thereon of Robert E. Lee
Barrett to Audie M. Charles

as the same appears of Record in my office in Book Series B *5* Page *424* and following.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office,

at Kansas City, Mo., this

31st day

of

May

A. D. 190 *2*

M. R. Gossett RECORDER.

By

C. H. Moore DEPUTY.

Application For License To marry

I Robt E. See Garrett, desiring to procure license to marry, Annie M. Charles do hereby certify that I am 22 years of age, and that the said Annie M. is 20 years of age.

Given under my hand this 17th day of Oct A.D. 1885
Subscribed and sworn to before me this 17th day of Oct A.D. 1885.

(Signed) Robt E. See Garrett
C. D. Lucas Recorder
By E. F. Hedges Deputy

State of Missouri

County of Jackson

Office of Recorder of Deeds at Kansas City, Mo.

License to marry.

To any Judge, Judge of a County Court, Justice of the Peace, or any Licensed or Ordained Preacher of the Gospel. Greeting

The provisions of the act entitled, "An Act in Relation to Marriage and Marriage License" approved March 20 1881 having been satisfactorily complied with, you are hereby authorized to join in matrimony Mr Robt E. See Garrett 22 years of age of the County of Johnson and State of Kansas and Miss Annie M. Charles 20 years of age of the County of Johnson and State of Kansas

Witness my hand and seal of office at Kansas City Mo. this 17th day of Oct A.D. 1885.



C. D. Lucas Recorder of Deeds
By E. F. Hedges Deputy

State of Missouri

County of Jackson

This is to certify that by

virtue of the authority of the foregoing license I
did on the 17 day of Oct A. D. 1885, in said County
and State, unite in marriage the said R. E. Lee
Garrett and Annie M. Charles.

Given under my hand this 17 day of Oct. A. D. 1885-

W. B. Teasdale J. P.

Filed for record and duly recorded in my office
this 29th day of Oct. A. D. 1885-

C. D. Lucas Recorder

By E. F. Hedges Deputy

File, with Robert L. Garrett, Cherokee National Ass.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C. October 23rd, 1901.

In the matter of the application of Frederick Garrett, Cherokee Card D-498. SUPPLEMENTAL EXAMINATION ON THE PART OF THE APPLICANT.

Appearances:

J. B. Baugh for the Cherokee Nation
Hallett & Smith for the applicants.

FREDERICK GARRETT being first duly sworn by Com'r T. B. Needles, testifies as follows.

(By Mr. Smith) State your name? A Frederick Garrett.

Q Are you the applicant in this case? A Yes sir.

Q You have testified in the case before? A Yes sir.

Q Before the commission when you made your application? A Yes sir.

Q Do you remember what year it was that you returned to the Cherokee Nation after your father took you out when you were a boy? A I think it was either '85 or '87.

Q To what place did you return? A To the old home place.

Q Did you have any property on that place at that time? A An interest in some cattle.

Q How many cattle? A 145 head.

Q What did you do with these cattle? A I have part of them yet.

Q Did you ever vote anywhere except in the Cherokee Nation? A No sir.

Q Ever held office anywhere except in the Cherokee Nation? A No sir.

Q Ever sit on juries anywhere except in the Cherokee Nation? A No sir.

Q Have you ever voted in the Cherokee Nation? A Yes sir.

Q Ever have any permits issued to you by the Cherokee Nation? A Yes sir.

Q Where did you have the permits? A You mean where were they issued from?

Q Yes sir. A From the Clerk's office.

Q What clerk? A Mr. Hastings was clerk when I got some of them.

Q What Hastings? A I don't know his first name.

Q Clerk of what district? A Delaware district.

Q Have you a brother named George Garrett? A Yes sir.

Q When did he come back to the Cherokee Nation after your father took him out? A I don't remember just when it was, he was here 2 or 3 years before I came.

Q He was here when you came? A Yes sir.

Q Have you a brother named Robert L.? A Yes sir.

Q When did he come back? A Same year I did, just before I did.

Q Have you a sister named Mary? A Yes sir.

Q When did she return? A When Robert did.

Q What you a sister named Elizabeth? A Yes sir.

Q When did she return? A Same time the others did, just before I did.

Q Were your brothers Robert and George recognized in the same way that you were? A Yes sir, I think so, I never heard anything different.

Q I believe you stated in your original examination here that you had property here in the Cherokee Nation during the time you were out? A I had an undivided interest in the cattle was all.

Q Does your name appear on the Shawnee roll of 778 persons which was made out in accordance with the treaty of 1868? A I think it does.

BY MR. SMITH: If the Court please I would like to have the Shawnee rolls examined and that part thereof which mentions the name of this applicant made a part of this record.

BY COM'R NEEDLES: Comes the applicant and presents the Register of the names of the members of the Shawnee Tribe of Indians who

have lived and resided in the Cherokee Nation, Indian Territory (prior to the 30th day of June 1870) within two years from the 30th day of June 1868 in accordance with an agreement entered into by and between the Shawnee Tribe of Indians and the Cherokee Nation of Indians through their delegations in Washington D. C., United States of America on the 30th day of June 1868 and approved by the President of the United States on the 30th day of June 1868 in accordance with the Fifteenth article of the Cherokee Treaty of with the United States proclaimed August the 13th 1866, and calls the attention of the Commission to the fact that on said rolls at #661 is found the name of Frederick Garrett. Said rolls being a printed list in the possession of the Cherokee Representatives and the said rolls being certified to by Lewis Downing Principal Chief of the Cherokee Nation and by Graham Rogers, Late Principal Chief of the Shawnee Tribe of Indians and by Charles Tucker, Late Ass't. Principal Chief of the Shawnee Tribe of Indians.

Applicant also calls the attention of the Commission to the fact that at number 577 is found the name of Samuel Garrett; at #378 is found the name of Richard Garrett; at #379 is found the name of Ned. Garrett; at #380 is found the name of Robert L. Garrett; and at #381 is found the name of Mary Garrett.

(By Smith of applicant)

Q What is the fact as to your sister Elizabeth Garrett, what is the fact as to her returning coming here with you originally? A She came with my father and the rest of the family.

Q She came here with your father? A Yes sir and kept house for him at the time.

(By Mr. Daugh)

Q How old was you when you returned from Kansas to the Cherokee Nation after you had left here? A About 26 years old.

Q Did you go to the Cherokee National Council and ask to be re-admitted to citizenship? A No sir.

J. O. WILLIAMSON being first duly sworn states that he testifies before Com'r T.B. Needles, testified as follows for applicant-

(By Smith)

Q What is your name? A J. O. Williamson.

Q Where do you live? A Bluejacket.

Q What is your age? A 53.

Q Are you a citizen of the Cherokee Nation? A I don't know that I am

Q You don't know? A (No answer)

Q How long have you lived in the Cherokee Nation? A Since September 1870.

Q What is your occupation? A Farming and stock raising.

Q Where did you come from to the Cherokee Nation? A Johnson County Kansas.

Q With whom did you come? A I came by myself but I had George W. Franklin's household goods and moving machine with me.

Q Is he a Shawnee citizen? A Yes sir.

Q Did you come as such? A No sir.

Q Did you marry a Shawnee citizen afterwards? A Yes sir.

Q Do you know this man Frederick Garrett? A Yes sir.

Q Do you know his father? A Yes sir.

Q What is his father's name? A Samuel.

Q Do you know his brothers and sisters? A Yes sir.

Q Can you name them? A Richard, Elizabeth, Fred, Robert, Mary and George.

Q Were they all the children of Samuel Garrett? A He claimed them to be his.

Q Did he bring them here with him when he came? A I didn't see them except that I saw them all on the Neesho river where he was living with his family.

Q When was that? A I am not positive if I saw them in '70 but I know

I saw them in '71. I know they were there in '71, and I think I saw them in '70; I stopped there in '71.

Q Did you know Samuel Garrett before he came to the Cherokee Nation? A Yes sir.

Q What was he? A A farmer.

Q Was he a Shawnee? A Yes sir.

Q An adopted Shawnee? A Yes sir.

Q And he came here when the Shawnees came? A Yes sir.

Q Did you know Frederick Garrett who has just left the stand here? A Yes sir.

Q Is he the son Frederick Garrett that you know and who was brought here by his father and whose name is on the Shawnee rolls? A Yes sir.

Q And these brothers and sisters that you have named, do you know them as the brother and sisters of Frederick? A Yes sir, I knew them when they came here.

Q Do you know anything about where Samuel Garrett lived when he lived here in '70 or '71? A Yes sir.

Q Where? A On the Chetopa and Carrie Ferry road on Fox creek near Neosho river in Delaware district Cherokee Nation.

Q With his family? A Yes sir.

Q These are the same people that you stopped with in '70 or '71? A Yes sir.

Q Did he improve a place there? A Yes sir.

Q In what way? A Built a house, fenced it and broke out a farm.

Q How long did the old man Samuel Garrett live there before he left that place, as well as you recollect? A As well as I recollect he left there in the fall of '78 or '79.

Q Did he take Frederick back with him? A I think he took Frederick with him, he left two of the boys.

Q Which two did he leave? A I think Richard and George.

Q Do you know what disposition was made of the place ~~that~~ when old man Garrett left there that time? A Yes sir.

Q What? A I rented the place.

Q How long did you have it rented? A I lived on the place as well as I remember about 18 months.

Q What property, if any, did these people leave upon that place? A He left somewhere about 80 head of cattle, cook stove and a bed and head steed, I think some house furniture, some plows,

Q About 80 head of cattle, some household goods and some farming implements? A Yes sir.

Q Was the old man Samuel Garrett ever back of the place after you rented it from him? A He was there back on the place every few months I can't call how often.

Q He had property there? A Yes sir.

Q Do you know of his voting in the Cherokee Nation after he left the place and went to Johnson county Kansas? A Nothing more than that he stopped with him.

Q Voted? A Oh voted, yes sir.

Q In the Cherokee Nation? A Yes sir.

Q Do you know if he had property interests in Johnson county Kansas? A Yes sir I know he owned a farm there when I was there and he owned quite a tract of land near Montecello Kansas, I don't know now how much of a farm he did have there.

Q After he left this place, at the time he rented it to you, do you know of him voting anywhere else except in the Cherokee Nation? A No sir.

Q Do you know of his holding himself out as a citizen of anywhere else except in the Cherokee Nation? A No sir.

Q Do you know of his receiving patents in the Cherokee Nation after he rented that place to you? A Not direct.

Q Did he ever come back to live on the place after that? A Not that I know of.

Q Do you know when he died? A I knew when he died but can't call the date now.

Q About how long ago? A Either in '80 or '81

Q Do you know this applicant Frederick Garrett? A Yes sir.

Q Do you remember when he came back to the Cherokee Nation? A I remember about his return, but I don't remember what year.

Q Do you know if some of this property you spoke of was on the place when Frederick got back? A I do not.

Q Were there any cattle on the place? A I think there was some cattle still on the place.

(By Baugh)

Q You say that you know old man Garrett voted in the Cherokee Nation?

A He came down there and went into the polls, that was after he came down from Europe, after he had moved up there.

Q Who did he vote for? A I don't remember now.

Q You don't know if he voted or not do you? A I don't know if he did, he went into vote, I was not an officer at the polls and don't know if he cast his vote.

Q How long ago has it been since he moved to Kansas? A You mean when he first left the Cherokee Nation?

Q Yes sir. A Well as near as I can remember it was in about '75.

Q He lived continuously from that time until his death in Kansas?

A Yes sir.

Q He never came back to the Cherokee Nation to live after that? A No sir not as I know of.

BY MR. BAUGH: I desire to offer in evidence a part of the Shawnee-Cherokee agreement entered into between the duly authorized delegates representing the Cherokee Nation of Indians, and the duly authorized delegates representing the Shawnee tribe of Indians, and in order to make special reference to it will read a part of said agreement:

" That all of said Shawneen who shall elect to avail themselves of the provisions of this agreement, shall register their names, and permanently locate in the Cherokee country, as herein provided within two years from the date hereof, otherwise they shall forfeit all rights under this agreement. "

I desire to further call the attention of the Commission to Article 1., Section 2 of the Constitution of the Cherokee Nation .

=====

BY COM'R NEEDLES: This will be filed in Cherokee Doubtful case D-495.

BY MR. SMITH: I desire this testimony also to be filed in the following cases: Cherokee D-488; Cherokee D-496; Cherokee D-858 and Cherokee D-1201.

BY COM'R NEEDLES: As requested by applicant's attorney copies of this testimony will be filed in the cases named.

Chas. von Reine, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above named and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 25th of October, 1901.

C. R. Beckwith

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, T. T., March 1, 1902.

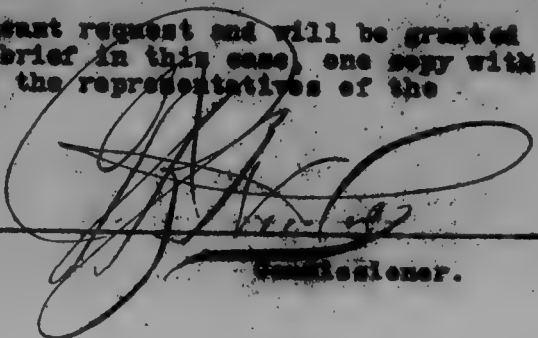
In the matter of the application of Robert L. Garrett, for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant and his attorneys were notified by registered letter February 14, 1902, that the application of Robert L. Garrett, for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 1st day of March, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day appears by his attorneys Mellette & Smith.

The attorneys for the applicant and the representative of the Cherokee Nation present, submit this case, and the same is ordered closed, and reported to the Commission for final decision based upon the evidence now of record.

The attorneys for the applicant request and will be granted fifteen days in which to file a brief in this case, one copy with the Commission and one copy with the representatives of the Cherokee Nation.


Commissioner.

Q. You applied for the divorce? A. Yes, sir.
 Q. How long did you have to stay in Texas before you applied for the divorce? A. 3 months.
 Q. Had you lived in Texas before you married Robert L. Garrett?
 A. No, sir.
 Q. In what county did you get the divorce? A. Runnels.
 Q. Have you married since your divorce? A. No, sir.
 Q. Still single on the first of September, 1902? A. Yes, sir.
 Q. Are these children, Samuel, Robert L. Jr. and Calvin C. your children by Robert L. Garrett? A. Yes, sir.
 Q. How long did you and Robert L. Garrett lived in the Territory after you were married? A. We lived there until 5 years ago.
 Q. In 1897? A. Yes, sir.
 Q. Where did you go in 1897? A. To Chatopa to school the children.
 Q. Did you rent a house and keep house there in Chatopa?
 A. Yes, sir.
 Q. Were you living there all the time from 1897 until you separated? A. Yes, sir.
 Q. Living there now? A. Yes, sir.
 Q. Got all your household furniture in Chatopa? A. Well, we have a place in the nation.
 Q. Who has a place in the nation? A. Garrett.
 Q. You have no place in the nation? A. No, sir.
 Q. Has Robert L. Garrett got a place in the nation?
 A. I couldn't tell you.
 Q. Did he get a lease for it while he was living in Chatopa?
 A. Yes, sir; the man that is there now has been there ever since we left.
 Q. Did he lease it? A. I think so.
 Q. Is Robert L. Garrett a drinking man? A. Yes, sir.
 Q. Now, as I understand you, you went there in 1895 to school the children? A. Yes, sir.
 Q. You have lived there ever since? A. Yes, sir.
 Q. You haven't lived in the Territory since 1895? A. No, sir; I haven't.
 Q. Nor the children haven't? A. No, the children haven't. They have been with me.
 Q. They have been with you all the time? A. Yes, sir.
 I am living there temporarily until I see-----
 Q. What the Commission does? A. What the Commission does.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of November, 1902.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of Robert L. Garrett for the enrollment of himself as a citizen of the Cherokee Nation of Shawnee blood; for the enrollment of his wife, Annie M. Garrett, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, Samuel, Robert L., Jr., and Calvin C. Garrett, as citizens of the Cherokee Nation of Shawnee blood.

Supplemental to D-856.

Applicant appears in person.
 Cherokee Nation by J. C. Starr.

ANNIE M. GARRETT, being duly sworn, testified as follows:
 Examination by the Commission.

- Q. What is your name? A. Annie M. Garrett.
 Q. How old are you, Mrs. Garrett? A. 37.
 Q. What is your post office? A. Chetopa, Kansas.
 Q. Are you an applicant for enrollment as an intermarried citizen? A. Yes, sir.
 Q. What is your husband's name? A. Robert L.
 Q. When were you married to Robert L. Garrett? A. In '85.
 Q. Had you ever been married before your marriage to Robert L. Garrett? A. No, sir.
 Q. Had he ever been married before he married you? A. Not that I know of.
 Q. Is Robert L. Garrett a citizen by blood of the Cherokee Nation? A. Yes, sir; he is Shawnee.
 Q. Have you and Robert L. Garrett lived together from the time you were married up to the present time? A. No, sir; not all the time.
 Q. Have you separated? A. Yes, sir.
 Q. When did you separate? A. 2 years ago.
 Q. Where were you living when you separated? A. In Chetopa.
 Q. When you were separated where did you go? A. I went to Texas on a visit.
 Q. What was the cause of the separation? A. Failure to support.
 Q. Did you leave him? A. Yes, sir; forced to.
 Q. Why; were you forced to in order to make a living? A. Yes, sir.
 Q. Wouldn't he provide anything for you? A. No, sir.
 Q. Where did Robert L. Garrett go when you separated? A. I suppose he stayed in Chetopa.
 Q. Who took the children? A. I did.
 Q. Have you had the children ever since? A. Yes, sir.
 Q. Has he contributed anything to their support? A. No, sir.
 Q. Is he still living there? A. Yes, sir.
 Q. Has he made any effort to get you to return to him? A. No, sir.
 Q. How long did you stay in Texas when you went there two years ago? A. I stayed there 8 months.
 Q. When where did you go? A. I came back.
 Q. Back to the Territory? A. I came back to Kansas, Chetopa.
 Q. Been living in Chetopa since? A. Yes, sir.
 Q. Have you been divorced? A. Yes, sir.
 Q. What court were you divorced in? A. I was divorced in Texas.

Q. You applied for the divorce? A. Yes, sir.
 Q. How long did you have to stay in Texas before you applied for the divorce? A. 3 months.
 Q. Had you lived in Texas before you married Robert L. Garrett?
 A. No, sir.
 Q. In what county did you get the divorce? A. Bunnels.
 Q. Have you married since your divorce? A. No, sir.
 Q. Still single on the First of September, 1902? A. Yes, sir.
 Q. Are these children, Samuel, Robert L. Jr. and Calvin C. your children by Robert L. Garrett? A. Yes, sir.
 Q. How long did you and Robert L. Garrett lived in the Territory after you were married? A. We lived there until 5 years ago.
 Q. In 1897? A. Yes, sir.
 Q. Where did you go in 1897? A. To Chetopa to school the children.
 Q. Did you rent a house and keep house there in Chetopa?
 A. Yes, sir.
 Q. Were you living there all the time from 1897 until you separated? A. Yes, sir.
 Q. Living there now? A. Yes, sir.
 Q. Got all your household furniture in Chetopa? A. Well, we have a place in the nation.
 Q. Who has a place in the nation? A. Garrett.
 Q. You have no place in the nation? A. No, sir.
 Q. Has Robert L. Garrett got a place in the nation?
 A. I couldn't tell you.
 Q. Did he get a lease for it while he was living in Chetopa?
 A. Yes, sir; the man that is on there now has been there ever since we left.
 Q. Did he lease it? A. I think so.
 Q. Is Robert L. Garrett a drinking man? A. Yes, sir.
 Q. Now, as I understand you, you went there in 1895 to school the children? A. Yes, sir.
 Q. You have lived there ever since? A. Yes, sir.
 Q. You haven't lived in the Territory since 1895? A. No, sir; I haven't.
 Q. Nor the children haven't? A. No, the children haven't. They have been with me.
 Q. They have been with you all the time? A. Yes, sir.
 I am living there temporarily until I see-----
 Q. What the Commission does? A. What the Commission does.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of November, 1902.

Jesse O. Carr
B. Jones
 Notary Public.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE
NOV 30 1900

Annual Report of the Commission to the Five

Annual Report of the Commission to the Five

Annual Report of the Commission to the Five

George F. Johnson

Presented to the Senate and House of Representatives

1900
National Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 10, 1902.

In the matter of the application of ROBERT L. GARRETT, for the enrollment of himself and his children, SAMUEL, ROBERT L., JR. and OLIVEN G. GARRETT, as citizens of the Cherokee Nation, of Shawnee blood; and for the enrollment of his wife ANNIE M. GARRETT as a citizen by intermarriage, of the Cherokee Nation:

Appearances:

Kellette & Smith, of Vinita, for applicants;
W. W. Hastings, for the Cherokee Nation.

TESTIMONY FOR THE CHEROKEE NATION.

A. R. BELL, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

- Q Your name is A. R. Bell ? A Yes sir.
Q Your post office is Chetopa, Kansas ? A Yes sir.
Q What is your age ? A Thirty nine.
Q Do you know the applicant, Robert Garrett ?
A Yes sir, I know him.
Q How long have you known him ? A I think about 10 years, or 11.
Q Do you know his wife ? A Yes sir.
Q He and his wife have separated ? A Yes sir.
Q When did they separate ? A I think about three years ago.
I am not positive about the time.
Q Where were they living when they separated three years ago ?
A I think in Chetopa.
Q How long had they been living there prior to their separation ?
A I should say a year or a year and a half.
Q Where were they living in June, 1898 ?
A My judgment would be that they were living in Chetopa at that time. That's about four years ago, I think they were living there.

Mr. Smith: I object to that.

- Q Well, after the separation three years ago, what became of the woman ? A Why she went to Texas, I think.
Q She went from there to Texas ? A I think so.
Q That's the information you have ?
A I received a letter from her from Texas.
Q Shortly after she left up there ?
A Some little time, yes sir.
Q What became of him after she left ?
A Why he stayed around town there and worked for Mr. Walker, his brother-in-law, some.
Q What was he doing ? A Running a water wagon.
Q In connection with Alexander Walker ? A I think so. And he worked some in a saw mill near there, and then he left.
Q Where did he go to from Chetopa ?
A I think he went to Oklahoma.
Q Where is he living now ? A I can't say.
Q Did you ever hear of his coming back from Oklahoma ?
A No sir, he's been gone about a year.

Mr. Smith: I object to that.

Q Your information is that he went to Oklahoma ? A Yes sir.

Examined by Mr. Smith:

Q How do you know he went to Oklahoma ? A I---

Q Did you hear him say he was going there ? A No sir.

Q You didn't hear him say he was going there ? A No sir.

Mr. Smith: I move to strike out the testimony of the witness as to Robert Garrett going to Oklahoma.

Mr. Hastings, to witness: How do you know it ?

Mr. Smith: I object, and move that witnesses testimony be stricken out.

The Commission: Your objection will be noted. (To the witness): Answer the question.

A About a year ago this last September, his boy died, Robert Garrett's boy died, and I heard Mr. Walker's wife, say that they had telegraphed to Ponca City, Oklahoma, to get Bob to the funeral.

Mr. Smith: Is that all the information you have ?

A Yes sir.

Mr. Smith: I renew my objection, and think this testimony in regard to the whereabouts of Robert Garrett is not competent.

Mr. Hastings: Counsel for the Cherokee Nation is not passing upon this testimony, it is left with the Commission to pass upon it, and upon the weight to be given to it.

Mr. Smith: It is moved to strike out the testimony of the witness in regard to the whereabouts of Robert Garrett, because it is purely hear-say.

The witness was then further examined by Mr. Smith:

Q Well, now you don't know how long Robert Garrett and his wife were separated ? A No sir.

Q Whether it was two, or three, years ago ?

A No sir, I can't say.

Q Well, how often would you see Robert Garrett in Chetopa after that separation ? A Why there was one summer there that I would see him three or four times a day.

Q What about the other summers ? A Well, I don't think I ever seen him very often but the one summer.

Q What summer was that ? A That must have been about 1900.

Q He had relatives living in the Cherokee Nation a very few miles from Chetopa ? A Yes sir.

Q Did you ever hear him say he was going down there ?

A No sir.

Q As a matter of fact, during this summer, or during the time he was separated from his wife, that you speak of as in 1900, you haven't seen him very much about Chetopa since then ?

A No sir.

Q He isn't there now ?

A No sir.

Q You don't know where he is ?

A No sir.

Q Has he a farm in the Cherokee Nation ?

A Yes sir, I have been on his place.

Q About how far from Chetopa? A About fifteen miles.
Q Did he have any children? A Yes sir.
Q What became of them? A His children and his former wife are in Chetopa now.
Q She has the children? A Yes sir.
Q Did she take them to Texas with her? A I think not; I think he kept them, I am not sure, he had them for a while, but when she came back from Texas she got them.
Q Robert didn't own any property in Chetopa did he?
A No sir.
Q He just worked there? A Yes sir.
Q How old were these children at the time of the separation?
A The eldest boy must be about twelve, and the youngest one about seven, and the youngest one about four.
Q Do you know whether or not they went to school?
A I think so.

J. H. DUNN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q Your name is J. H. Dunn? A Yes sir.
Q Your post office is Chetopa, Kansas? A Yes sir.
Q What is your age? A Sixty four.
Q Do you know Robert Garrett? A Yes sir.
Q Do you know his wife? A No sir, I never seen his wife but once, I believe.
Q You know he had a wife? A From hear-say.
Q Are they living together? A No sir.
Q About how long have they been separated? A Well, I get that from hear-say; from what I can hear it is going on two years.

Mr. Smith: I object to that as hear-say.

Q Where were they living when they separated?
A My understanding is at Chetopa.
Q How long had they been living there?

Mr. Smith: I object to that as hear-say, and to the understanding of the witness; the answer is incompetent as evidence.

Witness: All that in regards to him and his wife was public talk there and I just heard them talk. Personally I don't know about it.

By Mr. Hastings:

Q Well tell us about how long they had been living there prior to the separation? A My recollection is that they have been there right about five years.
Q Keeping house there? A Yes sir, they kept house there.
Q Have some children? A Well, I don't know whether they have or not.
Q Do you know about his running a water wagon up there for Mr. Walker? A Yes sir I have seen him driving Mr. Walker's wagon, and understood that he was hired to do it.
Q Is he there now? A No sir.
Q Do you know where he has gone to?
A I understand he has gone to Oklahoma.

Mr. Smith: I object to that question and answer, unless he knows. The question is incompetent. I also move to strike out all of the testimony of this witness, because there aint any of it competent except the statement as to his postoffice.

M. M. FOWLER, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Q Your name is M. M. Fowler ? A Yes sir.
Q Your post office is Chetopa, Kansas ? A Yes sir.
Q What is your age ? A Sixty seven or eight years old.
Q Did you ever know a man named Robert Garrett ? A Yes sir.
Q Did you know his wife ? A I never met her until this week.
Q Are they living together as husband and wife ?
A I think not.
Q Do you know how long they have been separated ?
A It must be two or three years, from what I have learned.

Mr. Smith: I object to that as hear-say.

Q Do you know of their keeping house there before they separated ?
A Yes sir.
Q How long did they keep house there in Chetopa before they separated ? A I don't know; I can't say.
Q About how long ? How long did you know of their living there?
A I have seen them once or twice in the house there, I have been there to take goods up there to the house.
Q How long before they separated ? A About 4 or 5 months.

Examined by Mr. Smith:

Q You are not certain at all as to the time when they separated ?
A No sir.
Q It might have been as long as four or five years ago ?
A I don't think it was that long.
Q But you are not certain ? A No sir.
Q You never saw his wife until this week ?
A I never met her until the other night, about Friday night.
Q Of last week ? A Yes sir, Friday night of last week, she come down to the train to meet somebody, and I met her.
Q How do you know that Robert Garrett and this woman lived there together at all in Chetopa ? A I have taken goods there.
Q Was this the same woman that you delivered goods to ?
A Yes sir.
Q That is the same woman ? A I think so.
Q You are not certain about that ? A Well I guess I am.
Q All that you know about the separation, or when the separation occurred, is what you were told ? A Yes sir.
Q Personally you don't know anything about it ? A No sir.

Mr. Hastings: You don't want to know anything about the separation ? A Well sir ----

Mr. Smith: Counsel for the applicant objects to the testimony of the witness in regard to the separation of Robert Garrett and his wife, because it appears from the testimony that it is all hear-say; and I move to strike it out.

Examined by Mr. Smith:

Q When did you first know Robert Garrett ?

A About the first I remember now of Robert Garrett was when he got into that difficulty, you know--

Mr. Smith: No I didn't know.

A It must be six or seven years ago.

Q You say it must have been seven or eight years ago?

A Yes sir, it was before his father died. He got into trouble there. You know he was tried for murder. I may have known him before that, but that is the first I remember of him.

Q Well now, Mr. Fowler, you didn't know this man Garrett's wife at all did you?

A No, truly, I didn't know her.

Q You don't know whether they had any children or not?

A They had two little boys there that people said was Bob Garrett's boys.

Q Up to the time they separated, whichever that was, you don't know how long Bob Garrett had been in Chetopa?

A Well sir, I don't know exactly.

Q You don't know how much of the time he was out in Chetopa, after he first came there, do you?

A I knew he worked for Mr. Walker a great part of the time, and he worked one winter on a circular saw there at the saw mill.

Q Where was the saw mill?

A It was up the river above Chetopa, a mile or two.

Q In Kansas?

A Yes sir.

Q Well, Bob has a farm in the Cherokee Nation hasn't he?

A I think he has.

Q You don't know how much time he spent on the farm?

A No sir.

Q How long his wife spent there?

A I know they were on the farm until they moved up to town.

Q After they moved to town you don't know how much of the time they were on the farm?

A No sir.

Q You don't know what they came to Chetopa for?

A No sir.

Q These children that you talk about, were they sent to school there or not?

A I couldn't say.

Q They were big enough to go to school?

A Yes sir.

Q They had good schools there?

A Yes sir.

Q They didn't have good schools down where Bob's farm was?

A I can't tell you; I wasn't there but once in my life.

Q When was that?

A Oh five or six years ago.

Examined by Mr. Hastings:

Q Don't you know they have got a school house on the corner of Mr. Walker's farm that joins Bob Garrett's?

A No sir.

Q You were never down there?

A Yes sir, once.

Q Have you been there recently?

A No sir.

Q Have you been there in the last four or five years?

A I was only there once, and that was when they had that payment down here, and I went back by there. That was the only time I was over there.

FRED DUNCAN, called as a witness, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q Your name is Fred Duncan?

A Yes sir.

Q Your post office is Chetopa, Kansas?

A Yes sir.

Q Do you know Robert Garrett, the applicant?

A Yes sir.

Q Did you know his wife ? A No sir.
 Q Did you know he had a wife ? A Yes sir.
 Q Did you know he had a family ? A Yes sir.
 Q Do you know whether or not they have separated now ?
 A Yes sir.
 Q Do you know how long they have been separated ?
 A No sir, I don't, exactly.
 Q Do you know whether they were separated when you went to the
 Phillipine Islands in 1899 ? A They were living together then.
 Q Where ? A At Chatopa, Kansas.
 Q Do you know how long they had been living there ?
 A About two years before I left.
 Q Before July 4, 1899 ? A Yes sir.
 Q Did you see them there frequently when you went to town ?
 A Yes sir.
 Q You have testified in another case that you went there on an
 average of once a week ? A Yes sir.
 Q You saw him there then ? A Yes sir.
 Q You never knew him to leave there during that time ?
 A No sir.
 Q Is he living there now since you came back from the Phillipines ?
 A Yes sir, he lived there a while after I come back.
 Q Is he living there now ? A No sir.
 Q He is not living there or in the Cherokee Nation ?
 A I don't know where he is living now.

Examined by Mr. Smith:

Q You went to the Phillipines on the 4th day of July, 1899 ?
 A Yes sir.
 Q You say they were living together then ? A Yes sir.
 Q How do you know they separated ? A Well, Bob told me
 himself, that they had separated.
 Q He told you ? A Yes sir.
 Q When did he tell you ? A Why he told me since I come back.
 Since they separated I suppose.
 Q Were you ever at his house ? A No sir.
 Q Did you ever see his wife before they separated ?
 A No sir, not to know her.
 Q How do you know he lived in Chatopa ? A Why he was, I think,
 employed by Mr. Walker to run the sprinkler there.
 Q What makes you think that ? A I saw him running the sprinkler.
 Q They don't run it in the winter ?
 A They run it all the year around when they need it.
 Q You have seen them sprinkling the streets there in January ?
 A If they needed it, yes sir.
 Q Will you please tell me what January you ever saw them sprinkle
 the streets there in January ? A I can't tell you.
 Q You have seen them since Walker has been running his sprinkler,
 sprinkle the streets there in January ?
 A I have seen them there, yes sir.
 Q In January ? A Not in January that I know of.
 Q Who did you ever see sprinkle the streets there in January ?
 A Well, I will say Mr. Garrett.
 Q About what year was that ? A About three years ago or
 three and a half.
 Q That would be in the winter of 1900, wouldn't it ?
 A No sir.
 Q What would it be ? The winter of 1899 ? A No sir.
 Q Well, what winter ? A I can't say what winter that would
 be in for I wasn't here in January, 1899.
 Q You were here in January, 1900 ? A No, in 1901, I was.
 Q Was it in January, 1901, that you saw him running the sprinkler ?
 A Yes sir.

Q You are just as certain about his running the sprinkler down the streets of Chetopa in January, 1901, as you are of any other facts that you have testified to? A Yes sir.

Q What would they do with them when they froze?

A I never ran a sprinkler, but I knew that when I come back it was a very warm climate.

Q How about February? A I don't remember.

Q You were there ever week in February? A Yes sir.

Q What kind of a sprinkler have they? A Street sprinkler.

Q Got a stove in it? A I never was in it.

Q What other month in the winter did they run that street sprinkler? What other month except January?

A I could almost positively swear that I have seen them run the sprinkler every month.

Q Well, are you going to swear that? A Yes sir. The year I come back from the Philippines.

Q In January, 1901? A Yes sir.

A. R. BELL; re-called, by the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Smith:

Q You live in Chetopa, Kansas, Mr. Bell? A Yes sir.

Q Did they ever run the street sprinkler there in the winter time?

A Not to my knowledge.

Q You live there? A Yes sir.

Q Did you ever know of their running a street sprinkler there, say in January? A No sir.

Mr. Hastings: I object to this line of cross examination, because it is entirely immaterial. It cuts no figure whatever in the case. Nobody knows better than Mr. Smith that you cannot introduce witnesses on immaterial points just for the purpose of contradicting a witness. He doesn't testify to any particular date.

J. H. DUNN, re-called as a witness by applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Smith:

Q What is your name? A J. H. Dunn.

Q You live in Chetopa, Kansas? A Yes sir.

Q How long have you lived there? A Going on 32 years.

Q Have you been residing in Chetopa ever since January, 1901?

A Yes sir.

Q Did they ever run street sprinklers there in the winter time?

A No sir.

Examined by Mr. Hastings:

Q What is the latest you ever saw them run street sprinklers there these dry winters? A Sometimes later than others.

Q Sometimes later than others? A Yes sir.

Q So that it depends upon the weather don't it?

A Well, yes sir, it depends upon the weather, but take it in December, January and February, they never run it there.

Q Do you have any specific recollection of December, 1901?

A No sir.

Q You don't have any specific recollection of it? A No sir.

Q What you are testifying to is the general practice up there?

A For what?

Q You have just stated that they were running there in December, January and February.

A Yes, sir. This case is continued by agreement until December 2, 1908.

E. G. Bagwell, an oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 12, 1908.

V. B. Jones
Notary Public.

Before the Commission to the Five Civilized Tribes
in the matter of the application of Robt E. Garrett C. D. No. 495.

The applicant Robt E. Garrett is a citizen of the United States, whose case is duly numbered in the Commission's records. The Garrett family are Shawnee Indians, and were duly enrolled as such on the roll of - seven hundred and seventy-two (772) names made in the Cherokee and Shawnee agreement of 1869; and the only point in the case of these people is the contention of the Cherokee Nation that they forfeited their citizenship by residing for a time out of the Cherokee Nation; as this question is fully briefed in the case of Frederick Garrett C. D. Number 495, this case is submitted upon the brief in the case of the said Frederick Garrett C. D. Number 495.

Respectfully submitted,

(signed) Mellette & Smith.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing statement and that the same is a true and correct copy of the original.

Maurice E. Smith

Sworn to and subscribed before me this 24th day of March, 1903.

Edward H. Smith
Notary Public.

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YES.

CHAIRMAN

1903

DEPARTMENT OF
COMMISSION TO THE

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THE UNIVERSITY OF CHICAGO

1. What is the purpose of the study?

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6. **Monitoring and Reporting** – Establish a system for monitoring and reporting on the progress of the project. This should include regular meetings with the project team and stakeholders, as well as a system for collecting and analyzing data on project performance.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., April 15, 1903.

In the matter of the application of ROBERT L. GARRETT, for the enrollment of himself and his children, SAMUEL, ROBERT L., JR. and CALVIN C. GARRETT, as citizens of the Cherokee Nation of Shawnee blood, and his wife ANNIE GARRETT, as a citizen by intermarriage of the Cherokee Nation:

Appearances:

Applicant present in person;
W. W. Hastings, for Cherokee Nation.

MARY GARRETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A My name used to be Mary Palmer, until I married Mr. Garrett; my children's names are George and Freddie Palmer.
- Q How old are you ? A Thirty five.
- Q What is your post office ? A Tulsa.
- Q What is the name of your present husband ? A My first husband ?
- Q No, your present husband ? A This last one ?
- A Yes. A Robert L. Garrett.
- Q Is he a Cherokee or a white man ? A He's a Shawnee, he got his number yesterday.
- Q When were you married to him ? A A year ago last February.
- Q What time in February ? A Along about the middle of February..
- Q Have you got any evidence of your marriage ? A I have got a certificate of marriage right down to the hotel where we stayed last night.
- Q How often have you been married ? A Just twice.
- Q What was the name of your first husband ? A Joseph Palmer.
- Q Was he a Cherokee ? A Yes sir.
- Q When did you marry him ? A I married him right down here below Fort Gibson.
- Q When ? A About twelve or thirteen years ago.
- Q Where have you been living since that time ? A I have been living around here in the Cherokee Nation, around Tulsa, last fall I went out to Nowkirk and stayed a while.
- Q That's in Oklahoma ? A Yes sir.
- Q How long did you continue to live in the Cherokee Nation after you married your husband Palmer ? A I lived here all the time.
- Q How long did he live after you were married ? A I had three children by him, two living, the oldest one is thirteen and the youngest one twelve.
- Q How long did you live with him ? A About seventeen years.
- Q With him ? A Yes sir.
- Q How long has he been dead ? A About nine years.
- Q I thought you said you married him about twelve years ago ? A Well, I don't know how you count it, but I married him about seventeen or eighteen years ago.
- Q How long has he been dead ? A Ever since this land was allotted out here in the Cherokee strip, he died the first year after the Strip opened, he's buried out there.
- Q Then he died about ten years ago ? A Yes sir.

Q And you lived with him about seven years ? A Yes sir.
 Q And during that time did you make your home outside the Territory ? A No sir, only going around working.
 Q Did you go outside the Territory working ? A No sir.
 Q Did you go with him to Oklahoma when the strip was opened ? A Yes sir.
 Q In 1893 ? A Yes sir.
 Q How long did you continue to live there ? A Well I lived there all the time you might as well say, after he died, until about two years after he died, and then I come back to the Cherokee Nation, I brought the children and come back to Tulsa and Claremore.
 Q You came back in about 1895 ? A Yes sir.
 Q Where did you come to ? A I come here to Vinita, and I went from here down here to Claremore, and I have been right up and down this railroad now.
 Q How long had you been living at Newkirk when you applied to the Commission ? A About a month; hadn't been there more than a month.
 Q How long did you continue to live there after you applied ? A I didn't live there at all after I got my name in down there.
 Q You came right back to the Territory ? A Yes sir.
 Q Been living here ever since ? A Yes sir.
 Q What was the date of your marriage to Garrett ? A I don't know, I expect I had just better send and get that paper, I can't read nor write.
 Q From the time Palmer died up to the time you married Garrett had you ever been married ? A No sir.
 Q You were a widow all that time ? A Yes sir, I was a widow all the time until I married Mr. Garrett.
 Q Were you ever married before you married Palmer ? A No sir.
 Q Was Palmer ever married before he married you ? A Yes sir, he had one child.
 Q Was his first wife dead when he married you ? A Yes sir.
 Q Was Garrett ever married before he married you ? A Yes sir, he was married to a white woman and got a divorce from her.
 Q When was he divorced from her ? A About three or four years ago.

Examined by W. W. Hastings

Q You were married near Fort Gibson, Mrs. Garrett ? A Yes sir; I was married at Oswego when me and Mr. Garrett was married.
 Q I mean you and Mr. Palmer ? A Yes sir, we married down there, I was living down there when we married, but after I got married we went from there down to Texas and got married and come back to Fort Gibson.
 Q Now you lived near Fort Gibson after you married Palmer ? A Yes, and we lived at Tahlequah.
 Q Now lets don't leave Fort Gibson yet, where did you live at Fort Gibson with Joe Palmer ? After your marriage now ? A We lived there close to Fort Gibson, there at, I forget his name, Sam Mayes and all them, I didn't have no home of our own, and we went there and worked for him.
 Q Who ? A Sam Mayes.
 Q Sam Mayes don't live at Fort Gibson ? A I am know he don't now, he did then.
 Q How far from Fort Gibson ? A I think it was fifteen miles.
 Q Which direction ? A Southwest of Fort Gibson. We lived there on a big creek and I don't remember the big creek's name.
 Q Where was your post office ? A Fort Gibson.
 Q And you lived fifteen miles southwest of there ? A Yes sir.

- Q Lived on a farm ? A No, worked for these people, Sam Hayes' folks.
- Q Were they full bloods ? A No sir half-breeds; now they are living down here on Grand River close to Pryor Creek.
- Q Now Mrs. Garrett, don't you know as a matter of fact that these people, these Haynes who live near Pryor Creek, never lived near Fort Gibson ? A Yes sir they did.
- Q They didn't live there fifteen years ago ? A No sir.
- Q You married Palmer fifteen years ago ? A Yes sir.
- Q The first year or two after you and Joe Palmer married, where did you live ? A Right down at Tulsa, and he worked on the railroad.
- Q With whom did you live there ? Did you keep house ? A We rented a house from Alvin Hodge, and we farmed for him.
- Q The first year after you were married ? A After we was married
- Q Where did you move to from the town of Tulsa ? A We moved to Wealaka.
- Q That's down in the Creek Nation ? A No, its in the Cherokee Nation aint it ? A No.
- Q Well we lived down there one whole winter, you know them Hogans, we worked for them.
- Q Well where did you go from the Wealaka Mission ? A We come back to Tulsa and Claremore.
- Q You couldn't go to both towns at once ? A I come to Tulsa and stayed there a while.
- Q How long did you stay at Tulsa ? A About two years altogether.
- Q Now when did you go to Claremore ? A Well, we come right from Tulsa up to Claremore, and when we left there we went back--
- Q Just wait now, I want to get you at Claremore; in whose house did you live ? A Dean Burgess'.
- Q How long did you live there ? A About six or seven months, and then he got to work at Red Fork.
- Q You want to get off from Claremore too quick; what kind of labor did your husband do ? A Anything he could get to do, and I did too.
- Q Where was this oldest child born ? A At Red Fork.
- Q Was that after you left Claremore ? A No, before we moved there; he was working there at Red Fork, and that bridge was going through there.
- Q Now where did you go from Claremore ? A We went back to Red Fork.
- Q That's in the Creek Nation ? A Yes sir.
- Q How long did you stay there ? A About a year.
- Q Where did you go from Red Fork ? A I moved up on the strip.
- Q What year did you move to the Cherokee Strip ? A We moved just five years before the strip was opened up.
- Q That was in 1888 then, the strip was opened in September, 1893. A Yes sir.
- Q Did you make a place up there then ? A Yes sir, we had a place there and everything.
- Q Have a house ? A Yes sir.
- Q Where was this second child born ? A At Tulsa.
- Q Before you went to the strip ? A Yes sir.
- Q How old is this second child ? A Why the oldest one is about fifteen years old.
- Q The oldest one ? A Yes sir.
- Q How old is the second ? A He's eleven going on twelve.
- Q Where was he born ? A At Tulsa.
- Q Was he born before or after you went to the Cherokee Strip ? A He was born before we took an allotment out there.
- Q I think you said you were there about five years before it opened? A We was.
- Q If that be true you went there in 1888, and that would be fifteen years ? A One was born at Tulsa and one at Red Fork.

Q You were at the Cherokee Strip when it opened September 16, 1893 ?

A Yes sir.

Q Well now, you made application to this Commission to be enrolled on February 8, 1902, at Muskogee, didn't you ?

A Yes sir.

Q That was your first statement before the Commission ?

A Yes sir.

Q You then gave your post office as Newkirk, Oklahoma ?

A Yes sir, I was at Newkirk then, I was a widow.

Q At that time the Commission asked you "How long have you been living in Oklahoma"; and you answered that you were living there before the strip payment, two years before. The next question the Commission asked you was "Well then, about two years before this payment was made, you moved there"; you answered at that time, "Yes sir". The next question the record shows the Commission asked you was "Have you been back here since that time"; and your answer at that time was, "No sir; I live up there now, just from there". The next question the Commission asked you was "Oklahoma is your home"; and you answered "Yes sir, my husband lived there". Upon cross-examination, I asked you, "And you live out there and they live with you", (referring to your children); and you answered "Yes sir". And the next question I asked you was "And have ever since"; and you answered "Ever since. They have got a town on it and we can't get what we want out of it", (referring to your land). Do you remember being asked those questions and making those answers ?

A I never answered no such questions as that.

Q The next question the Commission asked you was "Are these two children living in Oklahoma with you"; and you answered "Yes sir, down there with me ever since, and last fall I sent them down here and schooled them a while and it come Christmas time and I brought them back. I am going to put them there now; they have got money and land both there but I have neglected it"; did you answer that ?

A No sir.

Q You didn't ? A No sir.

Q The next question that was asked you was "Since you went to the Oklahoma Strip with your husband you have never maintained a residence here in the Nation at all, have you"; and your answer was "No sir. I have just lived up there. I come down here where the kinfolks is at Tulsa and up in there". The next question was "Did you apply to the Cherokee Census takers in 1894 to have these children enrolled"; and you answered, "Why I employed Davenport up here at Vinita to do that and I know he sunk us fer about fourteen or fifteen hundred dollars". Did you make these answers ? A I don't know anything about it.

Q Will you swear you didn't do it ? A Why of course I will.

Q You swear this record is all incorrect do you ?

A No sir, I didn't swear to anything, and I never said no such as that.

Q Didn't you swear to it ? A No sir, they didn't swear me at all.

Q Well did you make that statement ? A No sir.

Q Were these questions asked you ? A I don't think they were. Wasn't nothing asked me there only they asked me how long Joseph had been dead, and I signed up some papers and got right out, and I never signed no such and I never swore to nothing.

Q But did you make this statement whether you swore to it or not ?

A No sir, I didn't make no statement.

Q Where did your husband die ? A At Cleveland, Oklahoma.

Q How far from the land you selected ? A We was living on it.

Q Is he buried there ? A Yes sir, right up above there at Cleveland.

Q Well, where did you continue to live ? A After he died ?

Q Yes ? A Just as I told you, I lived there a while, and then come down here to Tulsa and Claremore.

Q I want to know how long you lived at Cleveland or Newkirk ? How far is Newkirk from Cleveland ? A About sixty miles, and there's Blackwell---

Q I am not trying to get that, I am trying to get your residence, how long did you continue to live there after your husband's death, as you say in January, 1894, I think you said ?

A Well I lived out there about two years after he died.

Q Well now, what year did you move away from there ?

A I can't tell you.

Q What year is this ? A I can't tell you.

Q What year was last year ? A I don't know.

Q You don't know one year from another ? A No, I can't read nor write, and I aint around where there is any of this law business going on; and then I come to Pawnee and stayed there pretty near four years in Pawnee county.

Q That was after the death of your husband ? A Yes sir.

Q You stayed at Cleveland about two years after your husband died ?

A Yes sir.

Q And then went to Pawnee and stayed about four years ?

A Yes sir.

Q Then where did you go ? A I went back to the Choctaw Nation, and stayed about four months, and then come here and stayed here at Vinita about four years.

Q Your husband died in 1894 ? A Yes sir.

Q You stayed there about two years after your husband died ?

A Yes sir.

Q Then you went to Pawnee, Oklahoma, and stayed four years ?

A Yes sir.

Q That would run you up to 1900 ? A Yes sir.

Q And then went to the Choctaw Nation and stayed about two months ?

A Yes sir.

Q And then where did you go from the Choctaw Nation ?

A Back to Tulsa.

Q How long was that before you and your husband married ?

A That was two or three years before me and him married, and I was living in this town when me and Mr. Garrett got married.

Q Did you ever live here before you and Mr. Garrett got married ?

A Yes sir.

Q How long ago ? A About two years before we got married.

Q What two years ? A About two years ago before me and him got married last February was a year ago.

Q You were living in Newkirk, Oklahoma, when you made application for yourself and these children ? A Yes sir me and him was up there.

Q Had you been married then ? A No.

Q After you made this application ? A I was living here and I went down there and made this application and went back to Chetopa, Kansas, where he lived.

Q Were you and Garrett married when you made this application ?

A No sir.

Q What did you go up there where he was for ? A To get married.

Q You swore before the Commission you were living at Newkirk, Oklahoma ? A Well I had been living there.

Q You swore that was your post office address at that time ?

A It was.

Q Now you swear Vinita was your post office ?

A I never went back to the new country any more.

Q Up to the time you enrolled in 1902 it was Newkirk ?

A He asked me what my post office was and I told him Newkirk. I was staying here and was aiming to go to Newkirk.

Q Who did you stay with ? A I can go down here and get Davenport, and he can tell you I was here.

Q But you say he sunk you for about fourteen or fifteen hundred dollars ? A I lived right in Dr. Day's house.

Q Where is he ? A He's a dentist here.

Q Who else's house did you live in ? A I don't know, I rented one from Mr. Clark.

Q Did you have your two children with you ? A Yes sir.

Q Who was your neighbor ? A All those folks.

Q Tell me some of them ? A I can't tell you any of them, I never was home long enough to do anything; I had to go out to make a living. I worked for Reger's folks.

Q Who are they ? A They lived out west of town right close to Dr. Day's house.

Q You haven't got much idea of length of time ? A No sir.

Q You don't know much difference between one year and two years ?

A I told you I had to work for what I could get, and at one time it was all I could do to make a living for me and my children. I thought if I went down there and registered alright.

Examined by the Commission:

Q Where did you come from when you came to Muskogee to make application ? A I come from right here.

Q How did it happen that you gave Newkirk as your post office ?

A Because I knowed I was going there in March, and that was February. I had a lawyer employed up there, and he notified me to come up there, and I knowed that would be my post office until I could see what he was going to do.

Q You say Garrett was with you in Oklahoma ? A Yes sir.

Q Were you married then ? A Yes sir we married before we went over there.

Q Before you went to Oklahoma ? A Before me and him went to Oklahoma.

Q How long has it been since you and Garrett were in Oklahoma ?

A We went there the 4th day of March was a year ago.

Q After you were married ? A Yes sir.

Q How long did you stay there ? A We stayed there pretty near all summer.

Q How long did you stay in the Choctaw Nation ?

A About two months.

Q When you appeared before the Commission you were asked "Where were you living when you were married to your husband", (that is to your first husband); and you said "I was living in the Choctaw Nation". A No sir, my step-mother lives down there.

Q And the next question was "Was he down there"; and you answered "Yes sir". Question, "How long had he been down there", and you answered "About a year". Now you state you were there about

two months; how long were you in the Choctaw Nation ?

A I wasn't there more than about two months.

Examined by Mr. Hastings:

Q Now it is all a mistake about your living near Fort Gibson isn't it ? A No, I have lived there.

Q When did you live there ? A The first year we was married we come up there and stayed a couple of months, and then we come to Tulsa and went to work.

Q You said a while ago you lived at Tulsa the first year ?

A It was the first year, we come up there about February, and worked until March, and then went up there to Tulsa.

Q Is that the only time you ever lived near Fort Gibson ?

A Yes sir.

Q You claim you lived about fourteen miles southwest of Fort Gibson with all them Mayes ? A We didn't live there long, we worked for them.

Q Ex-Chief Sam Mayes, don't you know he never lived close to Fort Gibson ?

A I thought it was, but it might not have been; I can get Sam Hayes to say that we lived with him.

Q You know Sam Hayes lives close to Pryor Creek ?

A I know he does.

Q Then you never lived near Fort Gibson ? A Yes I did live close to Fort Gibson. I lived there when that bridge washed out.

Q The truth of the matter is you have never lived in the Cherokee Nation since your marriage to Palmer until after you married Garrett, have you, and kept house ? A Yes sir, I have lived here in the Cherokee Nation all my life after he died, and I took a place up there, and I come back here and stayed ever since.

Q You have just testified that you lived there for two years after he died. A That's what I say, I leased the place out and come back here.

Q You said you lived there two years, and went to Pawnee and stayed there four years; that would make six years.

A That wasn't out of the Territory.

Q Well that was in Oklahoma; wasn't that in Oklahoma ?

A Why of course.

Examined by the Commission:

Q What effects did you and Palmer have when you went to Oklahoma ?

A Why we went out there and took up land.

Q What did you take with you ? A A wagon and team, and some hogs.

Q Did you take everything with you ? A No sir, we left some things at Red Fork. We left a house and lot at Red Fork.

Q Who did the house and lot belong to ? A My husband.

Q Did you leave anything in the house ? A No sir.

Q Did you take all your household effects with you ?

A Yes sir.

Examined by W. W. Hastings:

Q What became of your house and lot ? A I don't know, I never did go back to see about it.

Examined by the Commission:

Q Do you still own it ? A I don't know if I do or not, I never have looked after it.

Q Now when you appeared before the Commission at Muskogee and applied for these children, and you were asked as to your post office address, you stated it was Newkirk, and you were asked how long you had lived there in Oklahoma, and your answer was you were living there for two years before the strip payment, and the question was asked "Well then about two years before this payment was made you moved there", and you answered "Yes sir". The next question was "Have you been back here since that time", and you answered "No sir, I live up there now, just from there".

A I never answered that question.

Q You didn't make that statement ? A No sir, I did not. All I have been out there at Oklahoma for was to see lawyers that was looking after my property there.

Q How long had you been here at Vinita before you went to Muskogee to make application for these children ? A Three or four years.

Q Continuously ? A Continuously, and Davenport knows it and a whole lot of others.

Q Whose house did you live in ? A Go and ask Mr. Burns down here, he knows how long I lived here, I bought groceries from him all the time.

- Q Is Dr. Day in town here ? A I don't know.
 Q Does he know how long you lived here ?
 A He knows how long I had his house rented. Burns knows how long I have been here; and Davenport. Davenport is the very man that brought me in here from Oklahoma, he came out there and got me, and brought me here from Pawnee.
 Q You were living at Pawnee until Davenport went and got you ?
 A Yes sir.
 Q From the time you and your husband Palmer went there until Davenport went after you, had you ever been here ?
 A Yes sir I was here.
 Q How long did you stay when you were here ?
 A On these trips, three or four weeks at a time, and then I would go back.
 Q What were you doing here ? A I would just come here and stay, and go around and work.
 Q You left your household effects in Oklahoma and were just visiting here ? A Yes sir.
 Q These two children were with you all the time ?
 A Yes sir, until I taken them down here and put them in school.
 Q Then, what is true of your residence is true of their's ?
 A Yes sir.

ROBERT L. GARRETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Robert L. Garrett.
 Q What is your post office address ? A Chatopa, when I am at home.
 Q Are you the husband of Mary Garrett who was formerly Mary Palmer ?
 A Yes sir.
 Q When were you married to her ? A A year ago the 25th of last February.
 Q Where were you married at that time ? A In Chatopa.
 Q How long had you been living there ?
 A Off and on for about five years.
 Q What property, if any, did you have in the Cherokee Nation ?
 A I had a farm.
 Q How long had you been on that ? A I have been on that one farm about fourteen years.
 Q Is that in the Cherokee Nation ? A Yes sir.
 Q How long had you known this woman prior to your marriage to her ?
 A About a month.
 Q Had you ever seen her before that ? A No sir.
 Q Where have you been living since that time ?
 A At Newkirk, Perry and Pawnee.
 Q What is your occupation ? A Farmer.
 Q Do you own property in Oklahoma ? A No sir.
 Q How long after your marriage was it before you went to Newkirk or any point in Oklahoma ? A About seven days.
 Q Where have you spent the majority of your time since your marriage ? A In Perry.
 Q Perry, Oklahoma ? A Yes sir.
 Q Were you ever married before you married this woman ?
 A Yes sir.
 Q What was the name of your first wife ? A Annie Childs.
 Q Was she living when you married this woman ? A Yes sir., we had been divorced.
 Q Have you any evidence of that divorce ? A Yes sir.

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The Commission: It will be necessary that you furnish the Commission with a copy of that decree of divorce. It will also be necessary for you to furnish evidence of your marriage to this wife.

Examined by Mr. Hastings:

Q Where did you first meet this woman ? A In Vinita here.
Q What was she doing here ? A She was at work here, and I hired her to go to Chetopa and keep house for me and my children.
Q That's when you decided to marry her ? A Yes sir.
Q Had you ever seen her in Newkirk before ? A No sir.
Q But about seven days after you married you went to Newkirk, Oklahoma ? A Yes sir, we married on the 25th of February and we got into Newkirk in March.
Q Did she have a house in Newkirk at that time ?
A Not that I know of; she had a guardian there.
Q Where were her household effects ? A I think she told me she left them on the old farm at Cleveland.
Q They were out there were they ? A She left them there, but they was not there when I got there.
Q You went to see about them ? A Yes sir.
Q And you went out to look after her personal effects near Cleveland, and they were gone ? A They were gone.
Q Then where did you go ? A From Newkirk to Perry.
Q How long did you stay at Newkirk before going to Perry ?
A Stayed there about six weeks.
Q And then you went to Perry ? A Yes sir; well I went to Red Fork in the Creek Nation, she claimed to have some property there, and I found it was in the Creek Nation and I didn't think she had any right to it, and I went back to Perry.
Q You kept house there ? A Part of the time.
Q Where did you go to from there ? A We got out of Oklahoma and come from Cleveland to Tulsa, and stayed a week or ten days, and come to Claremore and stayed about four days, and then come on here.

Examined by the Commission:

Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q By blood ? A By blood. I belong to the Shawnee.

The Commission: It appears from the records of the Commission that Robert L. Garrett ~~is not a citizen of the Cherokee Nation~~ has heretofore been listed for enrollment as a citizen by blood on Cherokee roll card # D 856.

Q When were you divorced from your first wife ?
A She sued for divorce in Texas, I was at Chetopa at the time.
Q When ? A About two years ago last January.
Q Were you living with your wife when you made application for your own enrollment ? A No sir.
Q Where was she at that time ? A She was in Texas.
Q How long had you been separated from her ?
A To the best of my recollection about three or four months.
Q You had been separated about three or four months before you made application for her enrollment ? A Yes sir.
Q What was the cause of this separation ?
A I never knowed; we was living in Chetopa at the time, and I was down in the Territory when she left.
Q Had she ever been married before she married you ?
A No sir.
Q What are the names of your children by your first wife ?
A Samuel, Robert Lee and Calvin C.
Q Are these children all living ? A No sir the oldest one died while I was out at Perry.

Q Where have they been living ? A Why she taken them and went to Texas with them, and they didn't want to stay with her, and she sent them to me at Chatopa; they was in Texas at the time I enrolled them. I think I have made a mistake, I think they had been gone about a year before I enrolled them, instead of three or four months.

Q When you appeared before the Commission in November, 1900, at Chelsea, you were asked this question "When did you marry her", (meaning your first wife); and you answered "Eight years ago". You were asked "Were you ever married except to her", and you answered "No sir"; and you were asked "Was she ever married except to you", and you answered "No sir". You were asked "Has she lived with you ever since you married her", and you answered "Yes sir".

A Well that's a mistake; she was in Texas at the time I enrolled.

Q What was your object in making application for her enrollment, when, as you stated a few moments ago, she, prior to that time, deserted you ? A I supposed I would have to enroll her being as she was not divorced from me at that time.

Q Don't you know what was the cause of this separation from your first wife ? A No sir, I do not. I was in the Territory at work when she left.

Q What had been your treatment of her prior to that time ?

A Why alright, I furnished groceries, I worked in the Territory and went to town of a Saturday and bought them a week's groceries at a time.

Q Ever have any trouble with her ? A No sir.

Q Where is your wife now ? A She was in Chatopa, Kansas the last I heard of her.

Examined by Mr. Hastings:

Q When did you say you and your first wife separated ?

A I think it was about three years ago, last September, if I remember right.

Q Well now, where were you living at that time ?

A I was living at Chatopa, Kansas; that is, her and the children lived there and I was in the nation all the time except Saturday night and Sunday.

Q When you went back home was she gone ? A Yes sir, I left on Sunday afternoon to go to the farm, and she left the next day I think.

Q Where did she go to ? A Liberty, Kansas.

Q Did you know she was going to leave ? A No sir, I didn't know until I got back home the next Saturday.

Q Had there been any trouble between you ?

A No sir, I went back to work on the farm Sunday, and that day her brother come in on the train, and she went back to Liberty, Kansas, with him with the children; and she had a brother at Cleburne, Texas, and she took the children with her there.

Q Did she write you from Cleburne, Texas ? A No sir, the oldest boy did, but I never did get a letter from her.

Q Did you know there was a separation when you got back home ?

A When I found out she was gone I knew she had left me.

Q You had no information at all before ?

A No sir, I knew nothing about her brother coming until I got back to Chatopa.

Q You didn't know he was going to come ? A No sir.

Q There had been no difficulty between you ? A No sir.

Q Then she went to Texas and got a divorce ? A Yes sir, sued me for divorce at Ballinger, Texas.

Q When did she go back to Chatopa ? A About the 20th day of February a year ago.

Q You married this woman on the 25th of February ?

A Yes sir, she came back about five or six days before I was married the last time.

Q She stayed in Texas about two years ? A Yes sir, about two years.

Q Did she keep the children all this time ?

A No sir, she sent them to me from Texas.

Q How long after she first went away before she sent the children back to you ? A She sent the children back in August before I was married the last time.

Q Do you know what ground she alleged as her complain against you ?

A No sir.

Q You never were advised ? A No sir, her attorneys sent me some papers to sign up, and I signed them up and sent them back to Ballinger.

Q Did you have a farm at the time you and your wife separated ?

A Yes sir.

Q How much of a farm did you own ? A I expect somewhere in the neighborhood of three hundred acres in it.

Q Did you have a house in Chetopa ? A No sir.

Q You rented a house ? A Yes sir.

Q Is there anybody up there at Chetopa, Kansas, that you can prove these facts as you have stated them, about your wife leaving you ?

A Yes sir.

Q Who ? A I have got a sister, and some of the neighbors, they live right around home there. I left on Sunday evening to go to my work, and she left Monday I think sometime.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this April 17, 1903.

Samuel Foxman

Notary Public.

Q Now, I am going to ask you a few questions, and you answer them as best you can.

Q She stayed in Texas for about ten years.

Q Did she keep the children and take them

to the sir, she sent them to the sir in Texas.

Q How long after she first went away before she sent the children back to you?

A About a year before she sent the children back to you.

Q Do you know what she did with the children after she sent them back to you?

A Yes, she sent them to the sir, and she sent them to the sir to sign up, and she sent them to the sir to be called.

Q Did you have a farm at that time?

A Yes, sir.

Q How much of a farm did you have at that time?

A I expect about twenty acres in the neighborhood of three hundred acres in all.

Q Did you have a house at that time?

A Yes, sir.

Q Is there anybody up there at that time, Kansas, who can prove these facts as you have stated them, about your leaving you?

A Yes, sir.

Q Who?

A I have got a sister, and she lives around here, they live right around here, and she left home to go to my work, and she left home to go to my work.

W. W. Hastings: Comes forward, and moves for continuance in the case of Mary Arritt, formerly Mrs. Palen, until Monday, April 20, 1903. The five witnesses, who are present, of the intention of the State to take additional testimony in her case upon the 20th day.

Continued, and the case will be continued until the 20th day of April, 1903.

Continued, and the case will be continued until the 20th day of April, 1903.

E. C. Rayvell, on oath states that he is a member of the Grand Jury, and that he has heard the testimony and proceedings had in the case of Mary Arritt, and that the foregoing is an accurate transcript of the same, and that he is a member of the Grand Jury, and that he has heard the testimony and proceedings had in the case of Mary Arritt, and that the foregoing is an accurate transcript of the same.

Continued, and the case will be continued until the 20th day of April, 1903.

Continued, and the case will be continued until the 20th day of April, 1903.

Continued, and the case will be continued until the 20th day of April, 1903.

Continued, and the case will be continued until the 20th day of April, 1903.

Continued, and the case will be continued until the 20th day of April, 1903.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 15, 1903.

In the matter of the application of MARY GARRETT, for the enrollment of herself as a citizen by intermarriage, and her children, GEORGE and FREDDIE PALMER, as citizens by blood, of the Cherokee Nation:

Appearances:

Applicant present in person;
W. W. Hastings, for Cherokee Nation.

MARY GARRETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A My name used to be Mary Palmer until I married Mr. Garrett; my children's names are George and Freddie Palmer.
- Q How old are you ? A Thirty five.
- Q What is your post office address ? A Tulsa.
- Q What is the name of your present husband ? A My first husband ?
- Q No, your present husband ? A This last one ?
- Q Yes. A Robert L. Garrett.
- Q Is he a Cherokee or a white man ? A He's a Shawnee, he got his number yesterday.
- Q When were you married to him ? A A year ago last February.
- Q What time in February ? A Along about the middle of February.
- Q Have you got any evidence of your marriage ? A I have got a certificate of marriage right down to the Hotel where we stayed last night.
- Q How often have you been married ? A Just twice.
- Q What was the name of your first husband ? A Joseph Palmer.
- Q Was he a Cherokee ? A Yes sir.
- Q When did you marry him ? A I married him right down here below Fort Gibson.
- Q When ? A About twelve or thirteen years ago.
- Q Where have you been living since that time ? A I have been living around here in the Cherokee Nation, around Tulsa, last fall I went out to Newkirk and stayed a while.
- Q That's in Oklahoma ? A Yes sir.
- Q How long did you continue to live in the Cherokee Nation after you married your husband Palmer ? A I lived here all the time.
- Q How long did he live after you were married ? A I had three children by him, two living, the oldest one is thirteen and the youngest one twelve.
- Q How long did you live with him ? A About seventeen years.
- Q With him ? A Yes sir.
- Q How long has he been dead ? A About nine years.
- Q I thought you said you married him about twelve years ago ? A Well, I don't know how you count it, but I married him about seventeen or eighteen years ago.
- Q How long has he been dead ? A Ever since this land was allotted out here in the Cherokee strip, he died the first year after the strip opened, he's buried out there.
- Q Then he died about ten years ago ? A Yes sir.
- Q And you lived with him about seven years ? A Yes sir.
- Q And during that time did you make your home outside the Territory ? A No sir, only going around working.
- Q Did you go outside the Territory working ? A No sir.

Q Did you go with him to Oklahoma when the strip was opened ?

A Yes sir

Q In 1898 ? A Yes sir.

Q How long did you continue to live there ?

A Well I lived there all the time you might as well say, after he died, until about two years after he died, and then I come back to the Cherokee Nation, I brought the children and come back to Tulsa and Claremore.

Q You came back in about 1898 ? A Yes sir.

Q Where did you come to ? A I come here to Vinita, and I went from here down to Claremore, and I have been right up and down this railroad now.

Q How long had you been living at Newkirk when you applied to the Commission ? A About a month; hadn't been there more than a month.

Q How long did you continue to live there after you applied ?

A I didn't live there at all after I got my name in down there.

Q You came right back to the Territory ? A Yes sir.

Q Been living here ever since ? A Yes sir.

Q What was the date of your marriage to Garrett ?

A I don't know; I expect I had just better send and get that paper I can't read nor write.

Q From the time Palmer died up to the time you married Garrett had you ever been married ? A No sir.

Q You were a widow all that time ? A Yes sir, I was a widow all the time until I married Mr. Garrett.

Q Were you ever married before you married Palmer ?

A No sir.

Q Was Palmer ever married before he married you ?

A Yes sir, he had one child.

Q Was his first wife dead when he married you ? A Yes sir.

Q Was Garrett ever married before he married you ? A Yes sir. He was married to a white woman and got a divorce from her.

Q When was he divorced from her ? A About three or four years ago.

Examined by W. W. Hastings:

Q You were married near Fort Gibson, Mrs. Garrett ?

A Yes sir; I was married at Oswego when me and Mr. Garrett was married.

Q I mean you and Mr. Palmer ? A Yes sir, we married down there, I was living down there when we married, but after I got married we went from there down to Texas and got married and come back to Fort Gibson.

Q How you lived near Fort Gibson after you married Palmer ?

A Yes, and we lived at Tahlequah.

Q Now lets don't leave Fort Gibson yet, where did you live at Fort Gibson with Joe Palmer ? After your marriage now ?

A We lived there close to Fort Gibson, there at, I forget his name, Sam Mayes and all them, I didn't have no home of our own, and we went there and worked for him.

Q Who ? A Sam Mayes.

Q Sam Mayes don't live at Fort Gibson ?

A I know he den't now, he did then.

Q How far from Fort Gibson ? A I think it was fifteen miles.

Q What direction ? A Southwest of Fort Gibson. We lived there on a big creek and I don't remember the big creek's name.

Q Where was your post office ? A Fort Gibson.

Q And you lived fifteen miles southwest of there ? A Yes sir.

Q Lived on a farm ? A No, worked for these people, Sam Mayes' folks.

Q Were they full bloods ? A No sir, half-breeds; now they are living down here on Grand River close to Pryor Creek.

Q Now Mrs. Garrett, don't you know as a matter of fact that these people, these Mayes who live near Pryor Creek, never lived near Fort Gibson ? A Yes sir they did.

Q They didn't live there fifteen years ago ? A No sir.

Q You married Palmer fifteen years ago ? A Yes sir.

Q The first year or two after you and Joe Palmer married, where did you live ? A Right down at Tulsa, and he worked on the railroad.

Q With whom did you live there ? Did you keep house ?

A We rented a house from Alvin Hodge, and we farmed for him.

Q The first year after you were married ? A After we was married.

Q Where did you move to from the town of Tulsa ?

A We moved to Wealaka.

Q That's down in the Creek Nation ? A No, it's in the Cherokee Nation aint it ?

Q No. A Well we lived down there one whole winter, you know them Hodges, we worked for them.

Q Well, where did you go from the Wealaka Mission ?

A We come back to Tulsa and Claremore.

Q You couldn't go to both towns at once ?

A I come to Tulsa and stayed there a while.

Q How long did you stay at Tulsa ? A About two years altogether.

Q Now when did you go to Claremore ? A Well, we come right from Tulsa up to Claremore, and when we left there we went back--

Q Just wait now, I want to get you to Claremore; in whose house did you live ? A Dean Burgess'.

Q How long did you live there ? A About six or seven months, and then he got to work at Red Fork.

Q You want to get off from Claremore too quick; what kind of labor did your husband do ? A Anything he could get to do, and I did too.

Q Where was this oldest child born ? A At Red Fork.

Q Was that after you left Claremore ? A No, before we moved there; he was working there at Red Fork, and that bridge was going through there.

Q Now where did you go from Claremore ? A We went back to Red Fork.

Q That's in the Creek Nation ? A Yes sir.

Q How long did you stay there ? A About a year.

Q Where did you go from Red Fork ? A I moved up on the strip.

Q What year did you move to the Cherokee Strip ?

A We moved just five years before the strip was opened up.

Q That was in 1888 then, the strip was opened in September, 1893 ?

A Yes sir.

Q Did you make a place up there then ? A Yes sir, we had a place up there, and everything.

Q Have a house ? A Yes sir.

Q Where was this second child born ? A At Tulsa.

Q Before you went to the strip ? A Yes sir.

Q How old is this second child ? A Why the oldest one is about fifteen years old.

Q The oldest one ? A Yes sir.

Q How old is the second ? A He's eleven going on twelve.

Q Where was he born ? A At Tulsa.

Q Was he born before or after he you went to the Cherokee strip ?

A He was born before we took an allotment out there.

Q I think you said you were there about five years before it opened ? A We was.

Q If that be true you went there in 1888, and that would be fifteen years ? A One was born at Tulsa and one at Red Fork.

Q You were at the Cherokee Strip when it opened September 16, 1893 ?

A Yes sir.

Q. Well now, you made application to this Commission to be enrolled on February 8, 1902, at Muskogee, didn't you?

A. Yes sir.

Q. That was your first statement before the Commission?

A. Yes sir.

Q. You then gave your post office as Newkirk, Oklahoma?

A. Yes sir, I was at Newkirk then, I was a widow.

Q. At that time the Commission asked you "How long have you been living in Oklahoma"; and you answered that you were living there before the strip payment, two years before. The next question the Commission asked you was "Well then, about two years before this payment was made, you moved there"; you answered at that time, "Yes sir". The question the record shows the Commission asked you was "Have you been back here since that time"; and your answer at that time was, "No sir; I live up there now, just from there". The next question the Commission asked you was "Oklahoma is your home"; and you answered, "Yes sir, my husband lived there". Upon cross-examination, I asked you, "And you live out there, and they live with you", (referring to your children); and you answered, "Yes sir"; and the next question I asked you was, "And have ever since"; and you answered, "Ever since. They have got a town on it and we can't get what we want out of it", (referring to the land). Do you remember being asked those questions and making those answers?

A. I never answered no such questions as that.

Q. The next question the Commission asked you was "Are these two children living in Oklahoma with you"; and you answered "Yes sir, down there with me ever since, and last fall I sent them down here and schooled them a while and it come Christmas time and I brought them back. I am going to put them there now; they have got money and land both there but I have neglected it"; did you answer that?

A. No sir.

Q. You didn't? A. No sir.

Q. The next question that was asked you was "Since you went to the Oklahoma Strip with your husband you have never maintained a residence here in the Nation at all, have you"; and your answer was, "No sir. I have just lived up there. I come down here where the kinfolks is at Tulsa and up in there". The next question was, "Did you apply to the Cherokee Census takers in 1894 to have these children enrolled"; and you answered, "Why I employed Davenport up here at Vinita to do that and I know he sunk us for about fourteen or fifteen hundred dollars". Did you make these answers?

A. I don't know anything about it.

Q. Will you swear you didn't do it? A. Why of course I will.

Q. You swear this record is all incorrect, do you?

A. No sir; I didn't swear to anything, and I never said no such as that.

Q. Didn't you swear to it? A. No sir, they didn't swear me at all.

Q. Well, did you make that statement? A. No sir.

Q. Were these questions asked you? A. I don't think they were. Wasn't nothing asked me there only they asked me how long Joseph had been dead, and I signed up some papers and got right out, and I never signed no such and I never swore to nothing.

Q. But did you make this statement whether you swore to it or not?

A. No sir, I didn't make no statement.

Q. Where did your husband die? A. At Cleveland, Oklahoma.

Q. How far from the land you selected? A. We was living on it.

Q. Is he buried there? A. Yes sir, right there at Cleveland.

Q. Well, where did you continue to live? A. After he died?

Q. Yes? A. Just as I told you, I lived there a while, and then come down here to Tulsa and Claremore.

Q I want to know how long you lived at Cleveland or Newkirk ?
How far is Newkirk from Cleveland ? A About sixty miles, and there's Blackwell--

Q I am not trying to get that, I am trying to get your residence, how long did you continue to live there after your husband's death, as you say, in January, 1894, I think you said ?

A Well, I lived out there about two years after he died.

Q Well now, what year did you move away from there ?

A I can't tell you.

Q What year is this ? A I can't tell you.

Q What year was last year ? A I don't know.

Q You don't know one year from another ? A No sir, I can't read nor write, and I aint around where there is any of this law business going on; and then I come to Pawnee and stayed there pretty near four years in Pawnee county.

Q That was after the death of your husband ? A Yes sir.

Q You stayed at Cleveland about two years after your husband died ?

A Yes sir.

Q And then went to Pawnee and stayed about four years ?

A Yes sir.

Q Then where did you go ? A I went back to the Choctaw Nation, and stayed about four months, and then come here and stayed here at Vinita about four years.

Q Your husband died in 1894 ? A Yes sir.

Q You stayed there about two years after your husband died ?

A Yes sir.

Q Then you went to Pawnee, Oklahoma, and stayed four years ?

A Yes sir.

Q That would run you up to 1900 ? A Yes sir.

Q And then went to the Choctaw Nation and stayed about two months ?

A Yes sir.

Q And then where did you go from the Choctaw Nation ?

A Back to Tulsa.

Q How long was that before you and your husband married ?

A That was two or three years before me and him married, and I was living in this town when me and Mr. Garrett got married.

Q Did you ever live here before you and Mr. Garrett got married ?

A Yes sir.

Q How long ago ? A About two years before we got married.

Q What two years ? A About two years before me and him got married last February was a year ago.

Q You were living in Newkirk, Oklahoma, when you made application for yourself and these children ? A Yes sir, me and him was up there.

Q Had you been married then ? A No.

Q After you made this application ? A I was living here and I went down there and made this application and went back to Chetopa, Kansas, where he lived.

Q Were you and Garrett married when you made this application ?

A No sir.

Q What did you go up there where he was for ? A To get married.

Q You swore before the Commission that you were living at Newkirk, Oklahoma ? A Well I had been living there.

Q You swore that was your post office address at that time ?

A It was.

Q Now you swear Vinita was your post office ?

A I never went back to the new country any more.

Q Up to the time you enrolled in 1902 it was Newkirk ?

A He asked me what my post office was and I told him Newkirk. I was staying here and was aiming to go to Newkirk.

Q Who did you stay with ? A I can go down here and get Davenport, and he can tell you I was here.

Q But you say he sunk you for about fourteen or fifteen hundred dollars ? A I lived right in Dr. Day's house.

Q Where is he ? A He's a dentist here.
 Q Who else's house did you live in ? A I don't know, I rented one from Mr. Clark.
 Q Did you have your two children with you ? A Yes sir.
 Q Who was your neighbor ? A All these folks.
 Q Tell me some of them ? A I can't tell you any of them, I never was home long enough to do anything; I had to go out to make a living; I worked for Rogers' folks.
 Q Who are they ? A They lived out west of town, right close to Dr. Day's house.
 Q You haven't got much idea of length of time ? A No sir.
 Q You don't know much difference between one year and two years ? A I told you I had to work for what I could get, and at one time it was all I could do to make a living for me and my children. I thought if I went down there and registered alright.

Examined by the Commission:

Q Where did you come from when you came to Muskogee to make application ? A I come from right here.
 Q How did it happen that you gave Newkirk as your post office ? A Because I knowed I was going there in March, and that was February. I had a lawyer employed up there, and he notified me to come up there, and I knowed that would be my post office until I could see what he was going to do.
 Q You say Garrett was with you in Oklahoma ? A Yes sir.
 Q Were you married then ? A Yes sir, we married before we went there.
 Q Before you went to Oklahoma ? A Before me and him went to Oklahoma.
 Q How long has it been since you and Garrett were in Oklahoma ? A We went there the 4th day of March was a year ago.
 Q After you were married ? A Yes sir.
 Q How long did you stay there ? A We stayed there pretty near all summer.
 Q How long did you stay in the Choctaw Nation ? A About two months.
 Q When you appeared before the Commission you were asked, "Where were you living when you were married to your husband", (that is, to your first husband); and you said, "I was living in the Choctaw Nation". A No sir, my step-mother lives down there.
 Q And the next question was, "Was he down there"; and you answered "Yes sir". Question, "How long had he been down there"; and you answered, "About a year". Now you state you were there about two months; how long were you in the Choctaw Nation ? A I wasn't there more than about two months.

Examined by Mr. Hastings

Q Now it is all a mistake about your living near Fort Gibson, isn't it ? A No, I have lived there.
 Q When did you live there ? A The first year we was married we come up there and stayed a couple of months, and then we come to Tulsa and went to work.
 Q You said a while ago you lived at Tulsa the first year ? A It was the first year, we come up there about February, and worked until March, and then went up there to Tulsa.
 Q Is that the only time you ever lived near Fort Gibson ? A Yes sir.
 Q You claim you lived about fourteen miles southwest of Fort Gibson with all them Mayes ? A We didn't live there long, we worked for them.
 Q Ex-Chief Sam Mayes, don't you know he never lived close to Fort Gibson ?

A I thought it was, but it might not have been; I can get Sam Hayes to say that we lived with him.

Q You knew Sam Hayes lives close to Pryor Creek ?

A I know he does.

Q Then you never lived near Fort Gibson ? A Yes I did live close to Fort Gibson. I lived there when that bridge washed out.

Q The truth of the matter is you have never lived in the Cherokee Nation since your marriage to Palmer until after you married Garrett, have you, and kept house ? A Yes sir, I have lived

here in the Cherokee Nation all my life after he died, and I took a place up there, and I come back here and stayed ever since.

Q You have just testified that you lived there for two years after he died ? A That's what I say, I leased the place out and come back here.

Q You said you lived there two years, and went to Pawnee and stayed there four years; that would make six years ?

A That wasn't out of the Territory.

Q Well that was in Oklahoma; wasn't that in Oklahoma ?

A Why of course.

Examined by the Commission:

Q What effects did you and Palmer have when you went to Oklahoma ?

A Why we went out there and took up land.

Q What did you take with you ? A A wagon and team, and some hogs.

Q Did you take everything with you ? A No sir, we left some things at Red Fork. We left a house and lot at Red Fork.

Q Who did the house and lot belong to ? A My husband.

Q Did you leave anything in the house ? A No sir.

Q Did you take all your household effects with you ?

A Yes sir.

Examined by W. W. Hastings:

Q What became of your house and lot ?

A I don't know, I never did go back to see about it.

Examined by the Commission:

Q Do you still own it ? A I don't know if I do or not, I never have looked after it.

Q Now when you appeared before the Commission at Muskogee, and applied for these children, and you were asked as to your post office address, you stated it was Newkirk, and you were asked how long you had lived there in Oklahoma, and your answer was that you were living there for two years before the Strip payment, and the question was asked, "Well then, about two years before this payment was made you moved there"; and you answered, "Yes sir". The next question was, "Have you been back here since that time"; and you answered, "No sir, I live up there now, just from there".

A I never answered that question.

Q You didn't make that statement ? A No sir, I did not. All I have been out there at Oklahoma for was to see the lawyers that was looking after my property there.

Q How long had you been here at Vinita before you went to Muskogee to make application for these children ? A Three or four years.

Q Continuously ? A Continuously, and Davenport knows it, and a whole lot of others.

Q Whose house did you live in ? A Go and ask Mr. Burns down here, he knows how long I lived here, I bought groceries from him all the time.

Q Is Dr. Day in town here ? A I don't know.

Q Does he know how long you lived here ?

A He knows how long I had his house rented. Burns knows how long I have been here, and Davenport. Davenport is the very man that brought me in here from Oklahoma, he came out there and got me, and brought me here from Pawnee.

Q You were living at Pawnee when Davenport went and got you ?

A Yes sir.

Q From the time you and your husband Palmer went there until Davenport went after you, had you ever been here ?

A Yes sir I was here.

Q How long did you stay when you were here ?

A On these trips, three or four weeks at a time, and then I would go back.

Q What were you doing here ? A I would just come here and stay and go around and work.

Q You left your household effects in Oklahoma and were just visiting here ? A Yes sir.

Q These two children were with you all the time ?

A Yes sir, until I taken them down here and put them in school.

Q Then what is true of your residence is true of ~~them~~ their's ?

A Yes sir.

ROBERT L. GARRETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Robert L. Garrett.

Q What is your post office address ?

A Chatopa, when I am at home.

Q Are you the husband of Mary Garrett, who was formerly Mary Palmer?

A Yes sir.

Q When were you married to her ? A A year ago the 25th of last February.

Q Where were you married at that time ? A In Chatopa.

Q How long had you been living there ?

A Off and on for about five years.

Q What property, if any, did you have in the Cherokee Nation ?

A I had a farm.

Q How long had you been on that ? A I have been on that one farm about fourteen years.

Q Is that in the Cherokee Nation ? A Yes sir.

Q How long had you known this woman prior to your marriage to her ? A About a month.

Q Had you ever seen her before that ? A No sir.

Q Where have you been living since that time ?

A At Newkirk, Perry and Pawnee.

Q What is your occupation ? A Farmer.

Q Do you own property in Oklahoma ? A No sir.

Q How long after your marriage was it before you went to Newkirk or any point in Oklahoma ? A About seven days.

Q Where have you spent the majority of your time since your marriage ? A In Perry.

Q Perry, Oklahoma ? A Yes sir.

Q Were you ever married before you married this woman ?

A Yes sir.

Q What was the name of your first wife ? A Annie Childs.

Q Was she living when you married this woman ?

A Yes sir, we had been divorced.

Q Have you any evidence of that divorce ? A Yes sir.

The Commission: It will be necessary that you furnish the Commission with a copy of that decree of divorce. It will also be necessary for you to furnish evidence of your marriage to this wife.

Examined by Mr. Hastings:

Q Where did you first meet this woman? A In Vinita here.
 Q What was she doing here? A She was at work here, and I hired her to go to Chetopa and keep house for me and my children.
 Q That's when you decided to marry her? A Yes sir.
 Q Had you ever seen her in Newkirk before? A No sir.
 Q But about seven days after you were married you went to Newkirk, Oklahoma? A Yes sir, we married on the 25th of February, and we got into Newkirk in March.
 Q Did she have a house in Newkirk at that time?
 A Not that I know of; she had a guardian there.
 Q Where were her household effects? A I think she told me she left them on the old farm at Cleveland.
 Q They were out there were they? A She left them out there, but they was not there when I got there.
 Q You went to see about them? A Yes sir.
 Q And you went out to look after her personal effects near Cleveland, and they were gone? A They were gone.
 Q Then where did you go? A From Newkirk to Perry.
 Q How long did you stay at Newkirk before going to Perry?
 A Stayed there about six weeks.
 Q And then you went to Perry? A Yes sir; well I went to Red Fork in the Creek Nation, she claimed to have some property there, and I found it was in the Creek Nation and I didn't think she had any right to it, and I went back to Perry.
 Q You kept house there? A A part of the time.
 Q Where did you go to from there? A We got out of Oklahoma and come from Cleveland to Tulsa, and stayed a week or ten days, and come to Claremore and stayed about four days, and then come on here.

Examined by the Commission:

Q Are you a citizen of the Cherokee Nation?
 A Yes sir.
 Q By blood? A By blood. I belong to the Shawnees.

The Commission: It appears from the records of the Commission that Robert L. Garrett has heretofore been listed for enrollment as a citizen by blood on Cherokee roll card # D 856.

Q When were you divorced from your first wife?
 A She sued for divorce in Texas, I was at Chetopa at the time.
 Q When? A About two years ago last January.
 Q Were you living with your wife when you made application for your own enrollment? A No sir.
 Q Where was she at that time? A She was in Texas.
 Q How long had you been separated from her?
 A To the best of my recollection about three or four months.
 Q You had been separated about three or four months before you made application for her enrollment? A Yes sir.
 Q What was the cause of this separation?
 A I never knowed; we was living in Chetopa at the time, and I was down in the Territory when she left.
 Q Had she ever been married before she married you?
 A No sir.
 Q What are the names of your children by your first wife?
 A Samuel, Robert Lee and Calvin C.

Q Are those children all living ? A No sir the oldest one died while I was out at Perry.

Q Where have they been living ? A Why she taken them and went to Texas with them, and they didn't want to stay with her, and she sent them to me at Chetopa; they was in Texas at the time I enrolled them. I think I have made a mistake, I think they had been gone about a year before I enrolled them, instead of three or four months.

Q When you appeared before the Commission in November, 1900, at Chelton, you were asked this question, "When did you marry her", (meaning your first wife); and you answered "Eight years ago". You were asked, "Were you ever married except to her", and you answered "No sir"; and you were asked, "Was she ever married except to you", and you answered "No sir". You were asked, "Has she lived with you ever since you married her", and you answered, "Yes sir".

A Well, that's a mistake; she was in Texas at the time I enrolled.

Q What was your object in making application for her enrollment, when, as you stated a few moments ago, she, prior to that time, deserted you ? A I supposed I would have to enroll her being as she was not divorced from me at that time.

Q Don't you know what was the cause of this separation from your first wife ? A No sir, I do not. I was in the Territory at work when she left.

Q What had been your treatment of her prior to that time ?

A Why alright, I furnished groceries, I worked in the Territory, and went to town of a Saturday and bought them a week's groceries at a time.

Q Ever have any trouble with her ? A No sir.

Q Where is your wife now ? A She was in Chetopa, Kansas, the last I heard of her.

Examined by Mr. Hastings:

Q When did you say you and your first wife separated ?

A I think it was about three years ago, last September, if I remember right.

Q Well now, where were you living at that time ?

A I was living at Chetopa, Kansas; that is, her and the children lived there, and I was in the nation all the time except Saturday night and Sunday.

Q When you went back home was she gone ?

A Yes sir, I left on Sunday afternoon to go to the farm, and she left the next day I think.

Q Where did she go to ? A Liberty, Kansas.

Q Did you know she was going to leave ? A No sir, I didn't know until I got back home the next Saturday.

Q Had there been any trouble between you ?

A No sir; I went back to work on the farm Sunday, and that day her brother come in on the train, and she went back to Liberty, Kansas, with him, with the children; and she had a brother at Cleburne, Texas, and she took the children with her there.

Q Did she write to you from Cleburne, Texas ? A No sir, the oldest boy did, but I never did get a letter from her.

Q Did you know there was a separation when you got back home ?

A When I found out she was gone I knew she left me.

Q You had no information at all before ?

A No sir, I knew nothing about her brother coming until I got back to Chetopa.

Q You didn't know he was going to come ? A No sir.

Q There had been no difficulty between you ? A No sir.

Q Then she went to Texas and got a divorce ? A Yes sir, she sued me for divorce at Ballinger, Texas.

Q When did she go back to Chetopa ? A About the 20th day of February a year ago.

Q You married this woman on the 25th of February ?

A Yes sir, she come back five or six days before I was married the last time.

Q She stayed in Texas about two years ? A Yes sir, about two years.

Q Did she keep the children all this time ?

A No sir, she sent them to me from Texas.

Q How long after she first went away before she sent the children back to you ? A She sent the children back in August before I was married the last time.

Q Do you know what ground she alleged in her complaint against you ? A No sir.

Q You never were advised ? A No sir, her attorneys sent me some papers to sign up, and I signed them up and sent them back to Ballinger.

Q Did you have a farm at the time you and your wife separated ?

A Yes sir.

Q How much of a farm did you own ? A I expect somewhere in the neighborhood of three hundred acres in it.

Q Did you have a house in Chetopa ? A No sir.

Q You rented a house ? A Yes sir.

Q Is there anybody up there at Chetopa, Kansas, that you can prove these facts as you have stated them, about your wife leaving you ? A Yes sir.

Q Who ? A I have got a sister, and some of my neighbors, they live right around home there. I left on Sunday evening to go to my work, and she left Monday, I think, sometime.

W. W. Hastings: Comes now the Cherokee Nation, and moves for a continuance in the case of Mary Garrett, formerly Mary Palmer, until Monday, April 20, 1903; and gives notice to the applicant, who is present, of the intention of the Cherokee Nation to submit additional testimony in her case upon that day.

The Commission: The motion of the Cherokee Nation will be entertained, and the case will be continued until Monday, April 20, 1903, at one o'clock p m.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this April 20, 1903.

Samuel Foreman

Notary Public.

IN RE
THE DEATH OF

Samuel Garrett

a citizen of the

Lebanon

Nation.

Approved Aug 19 1903

C. R. Bulfinch

Commissioner.

FILED
AUG 19 1903

AUG 19 REC.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

Samuel Garrett

(Here insert name of deceased)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Chetopa Kan

(Here insert name of post office)

, Ind. Ter., and died on the

26th

day of

*Aug**1902*

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District,

I, _____, on oath state that I am _____
 years of age and a citizen, by _____ of the _____ Nation;
 that my post office address is _____ Ind. Ter.; that I am
 (Here insert name of post office)
 of _____
 (State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased)
 who was a citizen, by _____ of the _____ Nation;
 and that said _____ died on the _____ day of _____
 (Here insert name of deceased)

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

District,

I, *A. H. Anderson*, on oath state that I am *54*
 years of age, and a citizen, by *Chetopa* of the *Kansas* Nation;
 that my post office address is *Chetopa Kan*, Ind. Ter.;
 (Here insert name of post office)
 that I was personally acquainted with *Samuel Garrett*
 (Here insert name of deceased)
 who was a citizen by *Blood*, of the *Cherokee* Nation;
 and that said *Samuel Garrett* died on the *26th* day of
 (Here insert name of deceased) *Aug* *1902*

WITNESSES TO MARK:

(Must be Two
Witnesses)Subscribed and sworn to before me this *14th* day of *Aug* 190*3**My Com 4 10/10/1903*

Notary Public.


Cherokee D-856.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert L. Garrett for the enrollment of himself and his minor children, Samuel, Robert L. Jr., and Calvin C. Garrett, as Cherokee citizens of Shawnee blood.

D E C I S I O N.

The record in this case shows that on November 21, 1900, Robert L. Garrett appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and his minor children, Samuel, Robert L. Jr., and Calvin C. Garrett, as Cherokee citizens of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 27, and November 10, 1902, and at Vinita, Indian Territory, on April 16, 1903. Proceedings had at Vinita, Indian Territory, on October 23, 1901, in the matter of the application of Frederick Garrett for enrollment as a citizen of the Cherokee Nation, are filed with and made a part of the record herein.

Application was also made for the enrollment of Annie Garrett as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision.

An examination of the records of the Cherokee Nation in the possession of this Commission, shows that Robert L. Garrett is a Shawnee Indian and is identified on a certain register of names as one of those who located in the Cherokee Nation under the terms of a treaty concluded between the Cherokee Nation and the Shawnee tribe of Indians on June 7, 1869, and approved by the President of the United States June 9, 1869. It further appears that he lived in the Cherokee Nation from 1871 to 1875; that he then returned to the State of Kansas and remained there for about thirteen years; that he then returned to the Cherokee Nation and lived there until about 1897. The evidence further shows that his wife Annie was married to him on October 17, 1885, and the above named children are the issue of that marriage. Thereafter in 1900, his said wife applied for and secured a divorce from the said Robert L. Garrett. Robert L. Garrett is identified on the Cherokee census rolls of 1890 and 1896; his children are identified on the Cherokee census roll of 1896.

The evidence further shows that during the residence of the principal applicant in Kansas, he owned goods and chattels in the Cherokee Nation, and was engaged in business in said nation; his said residence in Kansas being for the purpose of schooling his children. It further appears that he subsequently removed to Oklahoma Territory. His residence in said State of Kansas continued from his removal thereto in 1897, and later to said Oklahoma Territory, until the date of this application. The residence of the minor children, Robert L. Garrett Jr., and Calvin C. Garrett, is considered to be the same as that of their father. They, however, returned to the Cherokee Nation in 1899 and have continued to reside therein with their mother, who was divorced from their father, the principal applicant herein, as hereinbefore shown.

On April 14, 1903, there was filed with this Commission an affidavit, wherein it is shown that Samuel Garrett died on August 15, 1902. Said affidavit is made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Yeargain et al., (ITD. 2900-1903), Robert L. Garrett, Robert L. Garrett Jr., and Calvin C. Garrett should be enrolled as Cherokee citizens of Shawnee blood, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further ordered that the application for the enrollment of Samuel Garrett, as a citizen of the Cherokee Nation of Shawnee blood, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Witness my hand and seal this 10th day of March, 1904.

Lorne Darby

Chairman.

Witness my hand and seal this 10th day of March, 1904.

I. S. Needles

Commissioner.

Witness my hand and seal this 10th day of March, 1904.

C. H. Loomis

Commissioner.

Witness my hand and seal this 10th day of March, 1904.

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

this

MAR 10 1904

Cherokee D-856.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, INDIAN TERRITORY, APRIL 9, 1904.

In the matter of the application for the enrollment of
Annie Garrett as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL ORDER.

It is ordered that copies of the testimony taken at
Vinita, Indian Territory, on April 15, 1903, in the matter of the
application of Mary Palmer, et al, Cherokee D-1271, be filed herein
and made a part of the record in this case.

C. R. Buckner

Commissioner in Charge
Cherokee Land Office.

Muskogee, Indian Territory, October 13, 1902.

Edgar Smith,

Attorney for Annie Garrett,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that Annie Garrett has this day, been directed to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, to testify relative to her right to enrollment on September 1, 1902, and at the same time, to introduce further testimony as to her residence in the Indian Territory.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 14, 1902.

Annie Garrett,

Chetopa, Kansas.

Dear Madam:

The act of Congress approved July 1, 1902 (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

~~In accordance with said provision, you are hereby directed~~
to appear before the Commission to the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as an intermarried citizen, on September 1, 1902.

At the same time, you will be required to introduce further testimony as to your residence in the Indian Territory.

You are requested to give this matter your immediate attention, as the evidence desired is necessary in determining your right to participate in the allotment of the lands of the Cherokee

A. S.

Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as a citizen.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Tablequah, Indian Territory, September 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in Commission's letter of September 16, there is enclosed herewith the original jacket and record in the matter of the application of Robert L. Garrett, et al., for enrollment as citizens of the Cherokee Nation, Cherokee D-856.

Respectfully,

Encl-S-31
GRS

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 856

ALLISON L. AYLESWORTH,
SECRETARY
ADDRESS BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 10, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, granting the application of Robert L. Garrett for the enrollment of himself and his minor children, Robert L., Jr., and Calvin C. Garrett, as Cherokee citizens of Shawnee blood, and dismissing his application for the enrollment of his minor child, Samuel Garrett, he having died on August 15, 1902.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the commission in this case. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,



Encl. V-16.

Commissioner in Charge.

Tahlequah, Indian Territory. May 18, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith original Cherokee doubtful cards as follows:

Cherokee D-897	May Fields
Cherokee D-898	Emma Waybourn
Cherokee D-856	Annie Garrett
Cherokee D-1021	Guss Caldwell
Cherokee D-1179	Janie Hughes.

Decisions have heretofore been rendered in these cases and all applicants except intermarried applicants, transferred as indicated by notes on the cards.

There is also returned herewith to be retained in the office at Muskogee until decisions can be prepared as to the intermarried applicants, the records in the above cases, also the record in Cherokee D-611, Samuel A. Ballard, et al.

Respectfully,

MBR
Encl R-178.

Commissioner in Charge
Cherokee Land Office.

STATE OF THE APPLICATION

~~James~~
Robert L. Garrett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

W

A. Original testimony of "3/1/04"

E. Memo. of Application of "2/1/04"

H. Receipt for testimony

K. Sup. list from Frederick Barrett

L. Notice of final consideration, 3/1/04

J. Brief for signature

[Handwritten signature]

March 31, 1904. Nos 1-A-X-5
Garrett vs. Cherokee

See ...

Cher D 857

Cher D 857

Guy L. Hamilton
 Notary Public

2.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Cherokee, I.T. November 21, 1900.

IN THE MATTER OF THE APPLICATION OF LEVI W. WAYBOURN FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND ONE CHILD, AS CHEROKEE CITIZENS.

The said Levi W. Waybourn, being sworn, was examined by the Commission and testified as follows:

Q What is your name? A Levi W. Waybourn.
Q How old are you? A Thirty-five years old.
Q What is your post office address? A Pryer Creek,
I.T.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of blood? A I couldn't tell you.
Q For whom do you make application? A I want to have myself and my wife and one child.
Q How long have you actually resided in the Cherokee Nation? A I have been here for twenty years off and on, but I have been living here twelve years. I haven't been out of it for twelve years.
Q What is the name of your father? A Bob Waybourn.
Q Is he living? A No, sir.
Q Was he a Cherokee or a white man? A He was a white man.
Q What was the name of your mother? A My mother was Mary Ann.
Q Is she living? A No, sir.
Q Was she a Cherokee? A Yes, sir.
Q Does your name appear upon the roll of 1880? A No, sir;
I don't think it is.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Youra F.
Q Is your wife living? A Yes, sir.
Q How old is she? A Twenty-seven.
Q Is she a Cherokee by blood or a white woman? A White woman.
Q What is the name of your wife's father? A Jim Armbrister.
Q Is he living? A Yes, sir.
Q What is the name of your wife's mother? A E. Lloyd before she was married.
Q What is her given name? A Well, I have forgot it now.
Q Is she living now? A No, sir; she is not living.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A No, sir; they are not citizens at all.
Q Give me the name of your children. A David Leroy.
Q How old is he? A Five years old.
Q Is that all you have, just the one child? A Yes, sir.
Q This child is alive and living with you at the present time?
A Yes, sir.
Q And it is your child by your present wife? A Yes, sir.
Q Were you ever admitted to citizenship in the Cherokee Nation by an act of the National Council or the Commission on citizenship? A Yes, sir.
Q Have you any proof of your admission to citizenship? A Yes, sir.
Q Where is it? A There on the roll, I think.
Q Have you any documentary proof of that? A No, sir.
Q When were you married? A In 1888.
Q Have you any evidence of your marriage? A Only my wife's father.
Q Have you any certificate or license? A No, sir; not here. I can get them. They are filed in that other case.
THE COMMISSIONER: Attention is again called to document filed in the case of Robert L. Waybourn, Cherokee & Dawdall Card No. 698, which

is a certificate signed by E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, certifying that sundry persons were admitted to citizenship by the Cherokee Court of the Cherokee Nation on the 26th day of March, 1879. Among the parties admitted at that time appears the name of L. W. Waybourne.

Q Is the L. W. Waybourne mentioned in this document yourself?

A Yes, sir.

Q How long have you actually resided in the Cherokee Nation?

A Well, I have been here off and on for twenty years, but I haven't been here today but 12 years.

Q Have you actually resided in the Cherokee Nation for twelve years? A Yes, sir.

Q How often have you been out during that time? A I haven't been out at all during that time.

Q Did you draw strip money from the Cherokee Nation in 1894? A Yes, sir.

Q Where were you born? A I was born in Texas.

Q Where were you living at the time of your marriage? A I was living in Texas. I was married in Texas.

Q How long after you were married was it before you came to the Cherokee Nation? A I think something near a year.

Q You were admitted to citizenship in 1879 by the Cherokee Court of the Cherokee Nation? A Yes, sir.

Q Did you ever vote in the State of Texas? A No, I don't think I was old enough to vote; that is, I wasn't there long enough. I was old enough, I suppose, but I wasn't there long enough to vote.

Q Did you ever vote any place except here in the Cherokee Nation? No, sir; I don't think I ever did.

Q Did you own property any place except in the Cherokee Nation? A No, sir.

1896 Roll, page 283, No. 5345, Levi W. Waybourne, Cooweescoowee District.

1896 Roll, page 331, No. 1127, Elna Waybourne, Cooweescoowee District.

1896 Roll, page 286, No. 5346, David Waybourne Cooweescoowee District.

Q You were married before you removed to and in good faith settled in the Cherokee Nation, were you not? A Yes, sir. This was my home already.

Q But you were not living here? A No, sir.

Q You were married in accordance with the laws and customs of the State of Texas? A Yes, sir. And if it is customary and you want them I can send and get the certificate, if you have to have it.

Examination by Mr. Gale Starr. (Cherokee Representative.)

Q Where were you living in 1879? A I was living here, I guess. We moved from here in 1879 and went to Texas in 1879.

Q In what town in Texas did you live? A We moved over here to Montague County, that was the County seat of the County we moved to.

Q What was your post office in Texas? A Montague.

Q How long did you live near Montague? A I couldn't tell you hardly. But then that wasn't where I was married. I was married in Grayson County. That is where I was married.

Q How long did you live in Texas before you moved there in 1879? A I didn't live there but a short time. You see I made four or five trips back to the Nation. That is the reason I couldn't tell how long I lived there.

Q Can you give us the exact date that you moved to, and permanently located in, the Cherokee Nation? A I couldn't do it, I don't know.

Q How long has you been living in the Cherokee Nation at present? A You say it is about twelve years. A For twelve years I haven't been out.

Q Where have you been living during that time? A Down here west of Fryer Creek. Right close to Fryer Creek.

Q Have you owned property there for the last twelve years? A Yes, sir.

Q Do you swear positively you haven't voted at any State election in the State of Texas since 1879? A Yes, sir, I will do it.

THE COMMISSION: Is there any other statement you want to make to the stenographer in regard to your application? A No, sir.

THE COMMISSION: The applicant applies for the enrollment of himself, his wife and one child. He is shown to have been on the list of persons admitted to citizenship in the Cherokee Nation on the 26th day of March, 1898, by what was then known as the Chambers Court. He avers that he has resided in the Cherokee Nation continuously for the past twelve years. He is identified on the roll of 1896 as a native Cherokee. He does not produce any satisfactory proof as to his marriage to his wife, but avers that he was married in the State of Texas in the year 1888. His wife is identified upon the census roll of 1896 as an adopted white. He will be required to file with the Commission either the original or a certified copy of the marriage record to complete the enrollment of his wife.

His child is identified upon the census roll of 1896 as a native Cherokee.

For the further consideration of the conditions under which he was admitted, and for the reason his name was not found upon the roll of 1880, although he was admitted to citizenship in the year 1879, he and his wife and child will be listed for enrollment upon what is known as a doubtful card, he being listed on said card as a Cherokee by blood together with his son, and his wife will be listed there as a Cherokee by intermarriage.

When final judgment is rendered in his case he will be notified in writing at his post office address.

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The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in his application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of November 1900.

Commissioner

Lucy L. V. Emerson
Notary Public

Supl.-CD.#357.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEVI W. WAY-
BOURN, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that the application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney, when an opportunity would be given him to introduce any further testimony for his application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, it is considered that his case is completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee representative, present.

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I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

3- William Carpenter.

Q You never knew of his being married, did you? A No, sir.
Q Did you ever know of his having any other wife except Mary?
A And my daughter, that is all.

Q Was William Carpenter married and single in 1914? A Yes, sir.

Q Well, after Carpenter's death your daughter married a man named Barnett? A Yes, sir.

Q Give us his full name, William Henry Barnett.

Q What is he a carpenter? A Yes, sir.

Q Is he a full blood? A No, he is mixed blood.

Q Is his mother a Cherokee? A Yes, sir.

Q Is she a full blood? A No, she is mixed blood.

Q Has Henry Barnett been married before? A Yes, sir.

Q Do you know? A Yes, sir.

Q No trouble about his name? A Yes, sir.

Q Who married your daughter to Henry Barnett, a preacher?

Q Yes, a preacher, didn't he? A Yes, sir.

Q Was it at your house? A Yes, sir.

Q Who who married them? A Yes, sir.

Q You know the lady who married them? A Yes, sir.

Q They were recognized by everybody as man and wife? A Yes, sir.

Q She is living with him now? A Yes, sir.

This testimony is in the case of Julia Barnett and also with the child, Willie B. Barnett. The special object of this testimony is to establish the validity of the marriage between William Carpenter and Mary Carpenter.

The undersigned, being duly sworn, deposes that the foregoing testimony is a true and correct transcript of the testimony given by the witness named above.

Subscribed and sworn to before me this 1st day of July, 1914.

1202

[Signature]
Notary Public
for the State of Georgia

Department of the Interior,
Commission to the Five Civilized Tribes,
White Oak, I. T., June 8, 1902.

In the matter of the application of William Daugherty for the enrollment of Julia Barnett et al, as citizens of the Cherokee Nation; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Supplemental testimony.

Q Give me your full name. A William Daugherty.
Q How old are you? A About 55 or 54.
Q What is your postoffice? A Cataloochee.
Q Are you a Cherokee citizen by blood? A No sir, I am a Shawnee.
Q You have already been listed for enrollment? A Yes sir.
Q You want to give some evidence about a stepdaughter of yours don't you? A Yes sir.
Q What is her present name? A Julia Barnett.
Q She is married a man named Barnett now is she? A Yes sir.
Q She has applied to be enrolled hasn't she? A Yes sir.
Q Didn't she apply at Chelsea? A I think so.
Q How long has she been named Barnett? A About three years.
Q So she applied as a Barnett? A Yes, I think so.
Q This woman Julia is a child of your wife by a first marriage? A Yes sir.
Q Your wife is a white woman? A Yes sir.
Q And Julia Barnett is a white woman? A Yes sir.
Q Now was Julia Barnett ever married before she married Barnett? A Yes sir.
Q What was the name of her first husband? A William Carpenter.
Q Is he alive? A No sir.
Q What was he a Cherokee or Shawnee? A Shawnee.
Q Full blood? A Yes sir.
Q How long has he been dead? A It must be four or five years.
Q Did you know William Carpenter well? A Yes sir.
Q How long have you known him? A Ever since he was a child.
Q Did he live in the Cherokee Nation all his life? A Yes sir.
Q How old was he when he died? A He must have been about forty somewhere in that neighborhood.
Q Did he come to this country with the Shawnees? A Yes sir.
Q How old is your daughter Julia? A She is 23 I think.
Q What was her maiden name? A Jackson.
Q Julia Jackson? A Yes sir.
Q Was she ever married before she married Carpenter? A No sir.
Q Was she lawfully married to Carpenter? A Yes sir.
Q By a preacher? A Yes sir.
Q Give me his name? A I couldn't give you the full name; his name was Cloud.
Q Was she married at your house? A Yes sir.
Q And did she live with Carpenter until he died? A Yes.
Q They lived together as man and wife until Carpenter died, did she? A Yes sir.
Q Has she any children by Carpenter? A One.
Q She has already applied for that child? A I think so.
Q Give me the name of that child? A Nellie Ruth Carpenter.
Q How old is that child's age as you can come? A She is about four years old I guess.
Q Some four or five you think, was she born after Carpenter died? A Yes sir; no; - I will swear I can't tell her age.
Q Was the child's father dead? A It was born before Carpenter died.
Q How was Carpenter ever married before he married your daughter Julia? A Yes.
Q Who was his first wife? A Fannie; I don't know her other name.
Q Was he married only once before he married your daughter? A That is all I know.
Q You knew him all the time didn't you? A Yes.

3- William Baugherty:

Q You never knew of his being married before except to Fannie - did you ever know of him having any other wife except Fannie? A And my daughter, that is all.

Q Was Fannie dead when he married your daughter Julia? A Yes sir.

Q Tell after Carpenter's death your daughter married a man named Barnett? A Yes sir.

Q Give me his full name? A William Henry Barnett.

Q What is he, a Shawnee? A Yes sir.

Q Is he a full blood? A No, he is about half, I guess.

Q Is his mother a Shawnee? A Yes sir.

Q Is she a full blood? A No, she is half I think.

Q Has Henry Barnett been listed for enrollment by this Commission do you know? A Yes sir.

Q No trouble about his name? A No sir.

Q Who married your daughter to Henry Barnett, a preacher? A Yes, a preacher married them, but I don't know his name.

Q Was it at your house? A No, they married at Chelsea, I don't know who married them.

Q You know she lived with Barnett as his wife do you? A Yes sir.

Q They were recognized by everybody as man and wife? A Yes sir.

Q She is living with him at this time? A Yes sir.

This testimony will be filed in the case of Julia Barnett and also with the case of her child, Mallie R. Carpenter. The special object of this testimony is to establish the legality of the marriage between Julia Barnett and her first husband, William Carpenter.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothberger

Subscribed and sworn to before me this 3rd day of July, 1903.

Seal

J. H. Renter
Notary Public.

aad

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Levi W. Waybourn for the enrollment of himself and his children David L. and Liddle Waybourn as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Youra F. Waybourn as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Levi W. Waybourn appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself and his child David L. Waybourn as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Youra F. Waybourn as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that Levi W. Waybourn, on March 26, 1879, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation. No conditions appear to have been attached to his admission requiring his removal to the Cherokee Nation within any specified time. He removed to and settled in the Cherokee Nation in 1888, and has resided in said Nation continuously ever since. The said Youra F. Waybourn was lawfully married to the principal applicant, Levi W. Waybourn, on May 3, 1888, and has lived with her husband in said Nation ever since the date of their marriage. David L. Waybourn and Liddle Waybourn are the issue of the marriage aforesaid, Liddle Waybourn having been born since the date of the original application as appears from a birth affidavit on file with this Commission. Levi W. Waybourn, Youra F. Waybourn and David L. Waybourn are identified on the Cherokee Census roll of 1896.

It is, therefore, the opinion of this Commission that Levi W. Waybourn, David L. Waybourn and Liddle Waybourn should be enrolled as citizens by blood, and that Youra F. Waybourn should be enrolled as a citizen by intermarriage, of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I.T.

this AUG 18 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of Levi W. Waybourn for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife Youra F. Waybourn as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children David L. and Liddle Waybourn as citizens by blood of the Cherokee Nation.

Supplemental to D-857.

Appearances:

S. H. Mayes for Applicant.
J. C. Starr for Cherokee Nation.

S. H. MAYES, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. Your name, age and post office? A. S. H. Mayes, Prior Creek, age 57.
- Q. Are you acquainted with Levi W. Waybourn? A. Yes, sir.
- Q. Is he a citizen by blood of the Cherokee Nation? A. Cherokee by blood I understood---he was contested, I understood, and recanted he had been admitted by the Commission.
- Q. Are you acquainted with his wife, Youra F.? A. Yes, sir.
- Q. How long have you known him and his wife? A. I have known him and his wife about 10 or 12 years.
- Q. How long have they been married? A. I couldn't tell you.
- Q. Did you know either one before they were married? A. No, sir; I have only known them since.
- Q. Do you know whether they have lived together as husband and wife during the time you have known them, up to the present time? A. Yes, sir.
- Q. That has been about 10 or 12 years, you say? A. Yes, sir.
- Q. Were they living together on the first of September, 1902? A. Yes, sir.
- Q. They have never been separated since you have known them? A. No, sir; they lived right about a half a mile from my ranch.
- Q. Levi W. Waybourn, his wife Youra F. and his children David L. and Liddle, are they living at this time? A. They have got two children.
- Q. They are alive? A. Yes, sir. I don't know whether that is their names.
- Q. Do you know how long they have resided in the Cherokee Nation? A. I couldn't tell you.
- Q. Have they resided here all the time you have known them? A. Yes, sir; ever since I have known them.
- Q. For the last 10 years? A. Yes, sir.
- Q. She has never been married to any other man since you have known them? A. No, sir. He is a young man; that is when him and her were first married. He is a young man.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr
Subscribed and sworn to before me this 16th day of October, 1902.

B. O. Jones
Notary Public

Cherokee D-257.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Levi W. Waybourn for the enrollment of himself and his children, David L. and Liddle Waybourn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Youra F. Waybourn, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Levi W. Waybourn appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself and his child, David L. Waybourn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Youra F. Waybourn, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on September 30, 1902.

The evidence shows that Levi W. Waybourn, on March 26, 1879, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation. No conditions appear to have been attached to his admission requiring his removal to the Cherokee Nation within any specified time. The said Youra F. Waybourn was lawfully married to the principal applicant, Levi W. Waybourn, on May 3, 1888. David L. Waybourn and Liddle Waybourn are the issue of the marriage aforesaid. Liddle Waybourn, having been born since the date of the original application, is duly identified by birth affidavit, made a part of the record herein. Levi W. Waybourn, Youra F. Waybourn and David L. Waybourn are identified on the Cherokee Census Roll of 1894.

The evidence further shows that Levi W. Waybourn and his said wife, Youra F. Waybourn, have lived together as husband and wife in the Cherokee Nation continuously from the date of their marriage, up to and including September 1, 1902. The residence of the minor children, applicants herein, are considered to be the same as that of the parents.

It is, therefore, the opinion of this Commission that Levi W. Waybourn, David L. Waybourn and Liddle Waybourn should be enrolled as citizens by blood, and that Youra F. Waybourn should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Pixby.

Acting Chairman.

T. S. Huddles.

Commissioner.

S. R. Breckinridge.

Dated at Muskogee, Indian Territory,

Commissioner.

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

MADE IN REPLY TO THE FOLLOWING

Cherokee D 857.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Levi W. Waybourn for the enrollment of himself and his children, David L. and Liddie Waybourn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Youra F. Waybourn, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 13.

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-857.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Levi W. Waybourn for the enrollment of himself and his children, David L. and Liddle Waybourn, as citizens by blood, and for the enrollment of his wife, Youra F. Waybourn, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-200.

IN THE MATTER OF THE APPLICATION OF

Levi W. Waybourn

FOR ENROLLMENT AS

Chal.

CHEROKEE CITIZENS.

~~A. Original testimony of 2/21/00~~

~~B. Memo. of Application of 2/21/00~~

~~C. Certified copy of marriage
license and certificate~~

~~D. Birth certificate, Enloe, Auburn~~

~~E. Notice of final consideration, 3/1/02~~

~~F. Cause~~

~~F. Receipt for testimony~~

~~G. Order showing same~~

~~Handwritten signature~~

~~Handwritten signature~~

Cher D 858

Cher D 858

DOUBTFUL, as to child, Samuel.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., November 21, 1900.

In the matter of the application of Ridley Dougherty for the enrollment of himself and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Ridley Dougherty.
Q How old are you? A 44.
Q What is your post-office? A Ramona.
Q Do you live in Coconino District? A Yes sir.
Q Who is it you want to enroll, yourself and family? A I am married at all.
Q Have you got any children? A I have got one.
Q Don't you apply for that child? A Yes sir.
Q Your wife is dead? A No, she is living.
Q Is she living with you? A No.
Q Separated? A Separated.
Q Are you a Cherokee? A Shawnee.
Q Did you come with the Shawnees in 1871? A I came in 1870.
Q Have you been here ever since? A Yes sir.
Q Give me the name of your father? A George Dougherty.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A I couldn't tell that.
My mother died when I was a little bit of a fellow.
Q Give me the name of your child? A Samuel.
Q How old is that child? A 11 years old.
Q He is living now is he? A Yes sir.
Q Give me the name of the mother of that child? A Jane.
Q What was she, a white woman? A Eastern Shawnee.
Q She is still living is she? A Yes sir.
Q How old is she? A I have forgot.
Q About how old is she, is she 40 years old? A She is about thirty.
Q When did you marry her? A I don't remember.
Q as it been 11 or 12 years ago, how long before this child was born was it you married her? A We lived together 14 years.
Q You and she lived together as husband and wife for 14 years did you? A (No reply)
Q How long have you been separated from her? A Been separated 4 years.
Q Do you know how long you had been married to her before this child was born? A I couldn't tell.
Q How long had you been married when you separated from her? A (No reply)
Q Were you ever married except to this woman? A No sir.
Q Was she ever married before she married you? A No sir.
1880 roll page 247 #794 Ridley Dougherty Delaware District Adopted Shawnee;
1896 roll page 348 #145 Riddly Dougherty Coconino District
Q Who is Mary Dougherty? A My step-mother.
Q Is she dead? A Yes sir.
1900 roll page 340 #146 Samuel Dougherty Coconino District.

Com'r Breckinridge: The applicant applies for the enrollment of himself and one child; he is identified on the rolls of 1880 and 1896 as an adopted Shawnee; he has lived in the Cherokee Nation since 1870 and he will be listed now for enrollment as an adopted Shawnee.

His child Samuel is identified on the 1896 roll; the mother of this child, from whom the applicant is now divorced, was an Eastern Shawnee, and hence did not possess Cherokee rights, and the applicant is unable to give satisfactory testimony as to his marriage to this woman beyond the fact that she was his first wife and that he was her first husband; consequently, it cannot be ascertained at this time whether the child is entitled

Edward Maguire et al

is involved, and at present he will be placed upon a suspended
sentence. He is therefore, in a position to give information
with respect to the marriage connection between the father and
mother.

E.D. CHASE being sworn, stated that in attending to
the Commission to the Five Civilized Tribes he correctly record-
ed the testimony and proceedings in this case as they were fore-
going is a true and complete transcript of his stenographic
notes thereof.



Subscribed and sworn to before me this 25th day of November 1900.



Commissioner

73
of
2
of
Supl.- C.D. #3589

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of **SAMUEL DOUGHERTY** as a citizen of the Cherokee Nation:

The applicant's father, Ridley Dougherty, was notified by registered letter February 19, 1902, that the application of his son, Samuel Dougherty, for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the commission either in person or by attorney who an opportunity would be given him to introduce any further testimony affecting his application. The applicant's father having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, the case of Samuel Dougherty is considered completed and the same will be reported to the Commission for final decision based upon the evidence now of records.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Cherokee D-888.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
SAMUEL DAUGHERTY as a citizen of the Cherokee Nation of Shawnee
blood.

DECISION.

The record herein shows that on November 21, 1900, Ridley Daugherty appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of his son, Samuel Daugherty, as a citizen of the Cherokee Nation of Shawnee blood.

It appears that Samuel Daugherty is identified on the Cherokee Census roll of 1896, and that he is the son of Ridley Daugherty and his wife, Jane, an Eastern Shawnee.

It further appears that Samuel Daugherty is carried on the annuity rolls of the Eastern Shawnee Indians in the Quawpaw agency, and that he has received an allotment of land in the Eastern Shawnee reservation in such agency.

It is therefore the opinion of the Commission that Samuel Daugherty is not entitled to share in the allotment of lands and distribution of moneys in the Cherokee Nation, and that the application for his enrollment as a citizen of the Cherokee nation of Shawnee blood should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Bixby.

Chairman,

(SIGNED) T. B. Needles.

Commissioner,

(SIGNED) C. R. Breckinridge.

Commissioner.

Deated at Muskogee, Indian Territory,

this DEC 5 1904

Cherokee

COMMISSIONERS:

TAMM BERRY,
THOMAS B. HENDON,
C. E. BRACKINRIDGE,

WM. O. NEALL,
Secretary.

DEPARTMENT OF THE INTERIOR, Cherokee D-858.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 8, 1904, rejecting the application for the enrollment of Samuel Daugherty as a citizen of the Cherokee Nation of Shawnee blood.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-50.


Chairman.

COMMISSIONERS:

TAMM HENRY,
THOMAS B. HENDON,
C. E. BRACKENRIDGE,

WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1905.

Chm. R.

COPIES TO BE MADE TO THE FOLLOWING:
Cherokee D-556.

W. W. Hastings,

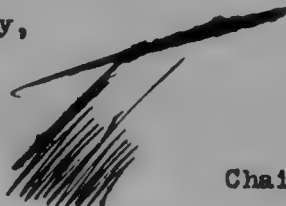
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 5, 1904, rejecting the application for the enrollment of Samuel Daugherty as a citizen of the Cherokee Nation of Shawnee blood, was affirmed by the Secretary of the Interior on January 9, 1905.

Respectfully,



Chairman.

THE MATTER OF THE APPLICATION OF

Samuel Daughtery

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original Testimonies of 11/21/00

B Memo. of Application of 1/24/01

W. School of the Cherokee Indians

Training School

I Notice of final consideration, 3/11/02

E. Order during interview, 3/11/02

Received

*Canceled
for*

See Cherokee Jacket # 5682

Cher D 859

Cher D 859

Q Where did you live before that time? A. In Arkansas.
Q Do you know the exact date that you came to the Cherokee Nation?
A. Day of the month? N.
Q. Yes sir. A. No sir I have forgotten.
Q You are sure that it was in 1893? A. Yes sir I am sure of that.

JAMES M. COCKER called and sworn as a witness and testified as follows-

Q What is your name? A. James M. Coker.
Q What is your age? A. 54.
Q What is your post office address? A. Coonies Bluff.
Q How long have you been an actual resident of the Cherokee Nation?
A. Since 1893.
Q Are you acquainted with the applicant here? A. Yes sir, she is my daughter.
Q Where was she born? A. In Arkansas.
Q When were you married to her mother? A. 30 years ago.
Q Have you lived with her continuously since then? A. Yes sir.
Q Are you living with her now? A. Yes sir.
Q Have you any evidence of your marriage to her? A. When I was married the law of Arkansas didn't required a license.

Q You were married to her before you were admitted? A. Yes sir.
Q Were you ever married again? A. No sir.

1896 roll, Page 130, No 937, Ada Coker, Coonies Bluff, N. C.

BY MR. STARR.

Comes now the representative of the Cherokee Nation and protests against the enrollment of this applicant for the reason that it is shown in her own testimony that she has lived in the state of Arkansas from the time of her fathers admission until 1893.

By the Commission-

The applicant applies for the enrollment of herself as a Cherokee by blood. She presents satisfactory evidence as to her fathers admission to Cherokee citizenship on the 24th day of September, 1891. She states that she came to the Cherokee Nation in the year 1893. She also avers that she drew strip money in 1894. She has lived in the Cherokee Nation continuously since 1893. She is identified on the census roll of 1896 as a native Cherokee. For the reason that the representatives of the Cherokee Nation present protest against the enrollment of the applicant for the reason that she did not remove to the Cherokee Nation until 13 years after her fathers had been admitted to Cherokee citizenship, she will be placed on a doubtful card, and when the final judgment of the Commission is rendered she will be notified in writing.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of the same.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. November, 21st, 1906.

In the matter of the application of Ada F. Barr for the enrollment of herself as Cherokee citizen. She being sworn before the Commission testified as follows.

Q What is your name? A. Ada F. Barr.
Q How old are you? A. 18.
Q What is your post office address? A. Ruby, I. T.
Q Are you a Cherokee by blood? A. Yes sir.
Q What degree of Cherokee blood do you claim? A. 1/8.
Q Do you make application for the enrollment of anyone besides yourself? A. No sir.
Q How long have you actually resided in the Cherokee Nation? A. 7 or 8 years.
Q Have you been outside of the Cherokee Nation within the past three years for any purpose? A. Yes sir.
Q How long? A. Two weeks.
Q For the purpose of visiting? A. Yes sir.
Q What is your father's name? A. James M. Coker.
Q Is your father still living? A. Yes sir.
Q Is he a Cherokee? A. Yes sir.
Q What is the name of your mother? A. Mary E.
Q Is she living? A. Yes sir.
Q Is she a Cherokee? A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Tom.
Q Is he living? A. Yes sir.
Q How old is he? A. 18.
Q Is he a Cherokee or white man? A. White.
Q When were you married to him? A. October, 8th, last October.
Q Were you or your father ever admitted to Cherokee citizenship by an act of the Cherokee National Council? A. Yes sir, my father was.
Q Have you any evidence of that fact? A. Yes sir.
The applicant presents ~~xxxxxxxxxxxx~~ a certified copy of an act of the Cherokee Commission on citizenship signed by W. P. Boudinet, Assistant Executive Secretary of the Cherokee Nation, certifying that on the 24th day of September, 1881, Jas. M. Coker was admitted to citizenship in the Cherokee Nation. The original certificate was signed by Reach Young, president and by William Harnage Commissioner and J. B. Mayes Clerk of the Commission.
Q Is your father the identical Jas. M. Coker who is mentioned in this certificate of admission to citizenship? A. Yes sir.
Q Where were you born? A. In the State of Arkansas.
Q Did you reside there continuously until 7 or 8 years ago? A. Yes sir.
Q Do you own property in the Cherokee Nation? A. Yes sir.
Q How long have you owned it here? A. Not more than four years myself.
Q Were you alive at the time your father was admitted to citizenship? A. No sir—yes sir I was too, I just forgot.
Q Who is Lucy A. Dale whose name appears on this certificate? A. My father's sister.
Q Give me the exact date of your removal to the Cherokee Nation.
A It was in 1883.
Q Did you draw strip money from the Cherokee Nation in 1894? A. Yes sir.
Q How much money did you draw? A. Just the same that the others drew, don't remember just how much, have forgotten.
Q How long had you been here before you drew strip money in 1894? We came here in April 1893, and my father drew the strip money in 1894.
Q Your father drew your strip money for you did he? A. Yes sir, but I was here though.

BY CHEROKEE REPRESENTATIVE SEARR—

Q Have you lived here continuously since 1893? A. Yes sir.

Q Where did you live before that time? A. In Arkansas.
Q Do you know the exact date that you came to the Cherokee Nation?
A. Day of the month? H.
Q. Yes sir. A. No sir I have forgotten.
Q You are sure that it was in 1893? A. Yes sir I am sure of that.

JAMES M. COCKER called and sworn as a witness and testified as follows:-

Q What is your name? A. James M. Coker.
Q What is your age? A. 34.
Q What is your post office address? A. Goodies Bluff.
Q How long have you been an actual resident of the Cherokee Nation?
A. Since 1893.
Q Are you acquainted with the applicant here? A. Yes sir, she is my daughter.
Q Where was she born? A. In Arkansas?
Q When were you married to her mother? A. 30 years ago.
Q Have you lived with her continuously since then? A. Yes sir
Q Are you living with her now? A. Yes sir.
Q Have you any evidence of your marriage to her? A. When I was married the law of Arkansas didn't required a license.

BY MR. STARR.

Q You were married to her before you were admitted? A. Yes sir.
Q Were you ever married again? A. No sir.

1896 roll, Page 130, No 937, Ada Coker, Geoweescoowee N. C.

BY MR. STARR.

Comes now the representative of the Cherokee Nation and protests against the enrollment of this applicant for the reason that it is shown in her own testimony that she has lived in the state of Arkansas from the time of her fathers admission until 1893.

By the Commission-

The applicant applies for the enrollment of herself as a Cherokee by blood. She presents satisfactory evidence as to her fathers admission to Cherokee citizenship on the 24th day of September, 1891. She states that she came to the Cherokee Nation in the year 1893. She also avers that she drew strip money in 1894. She has lived in the Cherokee Nation continuously since 1893. She is identified on the census roll of 1896 as a native Cherokee. For the reason that the representatives of the Cherokee Nation present protest against the enrollment of the applicant for the reason that she did not remove to the Cherokee Nation until 13 years after her fathers had been admitted to Cherokee citizenship, she will be placed on a doubtful card, and when the final judgment of the Commission is rendered she will be notified in writing.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 26th of November, 1900.

Chas von Weise
MD Green
Commissioner

R
C. D-678.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1903.

Supplemental testimony and proceedings, in the matter of the application of James M. Coker for the enrollment of himself, wife and children; in the matter of the application of Charles H. Reinhardt, (D-623) for the enrollment of himself and wife; Grate Coker, (D-639) for the enrollment of himself and child; and Ada F. Barr, (D-859) for the enrollment of herself, as Cherokee citizens.

Appearances:

E.B. Lawson, Nowata, I. T., attorney for applicants;
W. W. Hastings, attorney for the Cherokee Nation.

By Commission: James M. Coker was notified by registered letter February 15th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, appears by his attorney, E.B. Lawson, of Nowata, Indian Territory, and by agreement with the representative of the Cherokee Nation the case is taken up for final consideration this the 5th day of March, 1902.

D-623.

James H. Reinhardt was notified by registered letter February 13th, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, I.T.

D-659:

The applicant, Grate Coker, was notified by registered letter February 15th, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 6th day of March, 1902; receipt has been acknowledged of the Commission's letter; and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E.B. Lawson, Nowata, Indian Territory, and by agreement the case is taken up for final consideration.

D-859:

The applicant, Ada F. Barr, was notified by registered letter February 18th, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th day of March, 1902, appears by her attorney, E.B. Lawson, and by agreement the case is taken up for final consideration.

By Mr. Lawson: In the first place I desire to call attention to the fact that in the application of Reinhardt and Barr, it seems that he states that James M. Coker was admitted to citizenship in 1881, and that in the case of Grate Coker, and James M. Coker, the said James M. Coker was admitted to citizenship in 1881. I desire merely to call attention to this fact to have the matter corrected, and to show that the cer-

tificate of admission of James M. Coker bears date of September 24th, 1881.

Mary Elizabeth Coker, being first duly sworn and being examined testified as follows:

By Mr. Lawson:

- Q State your name? A My full name is Mary Elizabeth Coker.
 Q Where do you live? A At the present time.
 Q Yes, in what? A At Goody's Bluff, Cherokee Nation.
 Q Are you the wife of James M. Coker? A Yes sir.
 Q When were you married to James M. Coker? A In '71.
 Q Where were you married? A Arkansas.
 Q What county? A Marion County.
 Q You were married in Marion County in the State of Arkansas in 1871? A Yes sir.

By Mr. Lawson: I desire to file the affidavit of the clerk of Marion County, stating that the marriage records of that county for 1870 and 1871 cannot be obtained, or a certificate cannot be shown of those marriage records, for the reason that the records were burned.

By Commission: Document referred to was received by the Commission on the 8th day of December, 1900, and has been made part of the record in the case of James M. Coker, et al.

- Q Have you been living with James M. Coker as his wife ever since you married in 1871? A Yes sir.

Q Mrs. Coker, do you know when your husband came to the Cherokee Nation, that is, removed here? A He moved here in 1893.

Q Who came with him at that time? A Why there was a man came out with us by the name of Scott.

Q Did your family come at that time? A Yes sir.

Q Name the family? A Mary Ann Coker, Gratton Coker, Ida May Coker, Ada Coker, Joseph Coker, Charles Coker and Ethel Coker and myself.

Q Since 1893 where have you and all of the family just mentioned by you been living? A We lived two years near Chelsea; then we moved to the place we are living on now, near Goody's Bluff.

Q I will ask you if you and all the family that you have just mentioned have lived in the Cherokee Nation since 1893? A We have lived here all the time since that.

Q Now what children were born to you before you came to the Cherokee Nation, name them? A Mary Ann Coker and Gratton Coker and Ida May Coker and Ada Coker and Joseph Coker and James Coker and Ethel Coker.

Q All born before you came here? A Yes sir.

Q Now, are any of these daughters married? A I have got two married daughters now.

Q What are their names? A Ada F. Barr, she is now; and Mary Ann Reinhardt.

Q Is Mary Ann Reinhardt the wife of Charles H. Reinhardt? A Yes sir.

Q I will ask you Mrs. Coker if you know whether or not Mr. Coker and these children drew the strip money in the year 1894? A Yes sir.

By Commission:

- Q Were any of these children married prior to 1894? A No sir.
 Q They were all single then? A Yes sir.

By Mr. Lawson: They were denied the payment in 1894, and the Cherokee Council met in November of the same year, and the bill was introduced appropriating the money.

1894 pay roll of citizens of the Cherokee Nation examined for all of applicants and their names not found thereon.

By Mr. Lawson: I will state here that the reason I have not that certificate was that I was informed by the Executive Secretary of the Cherokee Nation, at Tallahassee, that it was in the hands of the Texas Commission, and that he could not give

us the certificate; that was a mistake, and I will get that later on.
I believe that is all I care to introduce.

By Mr. Hastings: (Waives cross-examination.)

By Mr. Lawson: I have my officers present, and I desire also to file a certified copy showing that this money was paid to these parties in 1904; and desire it to be made part of the records in all of these cases.

By Commission: The attorney for the applicant will be granted ten days in which to file a certified copy of the act referred to.

The attorney for the applicants files in the case of the application of Orate Coker; a brief; also a brief in the case of Ada P. Barr; also a brief in the case of Charles Reinhardt; and in the case of James M. Coker.

By Commission of Mr. Lawson: Do you, in behalf of the various applicants mentioned herein submit the case to the Commission? A Yes sir.

Q Do you submit, Mr. Hastings? A Yes sir.

By Commission: The attorney in behalf of the applicants and the attorney in behalf of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record in addition to the certified copy of the act of Council to be filed within ten days by the attorney for the applicants.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and complete transcript of the original manuscript.

[Signature]

Subscribed and sworn to before me this 18th day of April, 1902.

[Signature]
Notary Public.

R. Robertson

APR 24 1965
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COMMISSION TO THE LIFE CIVILIAN
DEPARTMENT OF THE INTERIOR

BE IT ENACTED BY THE NATIONAL COUNCIL--

Chero. L-859.

ated out of any money not appropriated - out of the Strip Funds - to pay each of the persons (2335.70) as their pro rata share of said fund. And the Chief is hereby authorized to issue warrants for the same.

No.	Name	Age	Sex
1	Rosetta Hunt	10	Female
60	Jessie M. Coker	48	Male
61	Mary Ann Coker	19	Female
62	Charles Coker	17	Male
63	Ida Coker	15	Female
64	Ada Coker	13	Female
65	Joseph Coker	9	Male
66	Charles Coker	7	Male
67	Ethel Coker	4	Female

Passed the Senate Nov. 26th 1894.
J. C. Starr,
Clk. of Senate

Roach Young,
President Pro Tem.

Concurred in by Council Nov. 30th 1894, with the following amendments, strike out the name of,

1	Sallie H. Shannon	15	Joel Quinton
2	Pauline Shannon	16	Jennie Quinton
3	Daisy Shannon	17	Eula Brown
4	Lucy Shannon	18	Lelia Brown
5	Floyd Shannon	19	John Brown
6	Sallie H. Shannon	20	Adrie Brown
7	Rebecca Weldon	21	Ida W. Brown
8	Belle West	22	Annie Brown
9	Hettie West	23	Willie Brown
10	Viola Weldon	24	Esther Brown
11	Robert Lee Weldon	25	Florence Brown
12	Julia Quinton	26	Swain Brown
13	Elizabeth Quinton		
14	Frank Quinton		

J. H. Dick
Clk of Council

V. Gray
Speaker of Council Pro tem.

Concurred in by Senate Dec 1st 1894

C. W. Willey
Clk. of Senate

M. V. Benge
President of Senate pro tem

Approved Dec 5th 1894

O. J. Harris, Prin. Chief C.M.

Executive Office,

Cherokee Nation, Tahlequah, I.T.

I, B.W. Alberty, do hereby certify that the above is a true copy from the record of Laws of the Cherokee Nation 1893- 1896 which is now in my legal custody.

Given under my hand and the seal of this office this March 10th 1902.

(SEAL)

(Signed)

B. W. Alberty
Assistant Executive Secretary
Cherokee Nation.

The undersigned, being duly sworn, deposes and says as follows:
to the Commission in the City of New York, on oath the above
copy and that the same is a true and correct copy of the copy
filed in 1-11-19.

[Signature]

Subscribed and sworn to before me this 11th day of March, 1919.

[Signature]

Before the Honorable Dawes Commission, sitting at Muskogee, I. T.

In the matter of the application for enrollment as a Citizen of the Cherokee Nation vs. F. Barr.

Applicants vs.

Applicant would represent that she is the Daughter of James M. Coker who was admitted to Citizenship in September 1881 by the Cherokee Commission; that at the time James M. Coker was admitted to Citizenship this applicant was but a year or so old.

Applicant would represent that she has been recognized as a Cherokee Indian Citizen ever since she can remember and has lived in the Cherokee Nation since she was 8 or 9 years old.

We contend that the Cherokee Nation is barred by the Statute of Limitation from disputing applicants right for enrollment as a Citizen of the Cherokee Nation.

The only contention urged against the enrollment of applicant is that applicant should have removed to the Cherokee Nation prior to 1893 but it must be born in mind that applicant was only 8 or 9 years of age when she did come to the Cherokee Nation and was then depended on her Father with whom she lived.

It must be also born in mind that there were no restriction placed on James M. Coker when he was admitted to Citizenship in the Cherokee Nation and there was no time stated in said admission when he should remove to the Cherokee Nation, but his admittance was unconditional.

Attorney for the applicant

Cherokee N. 200.

**In the matter of the appli-
cation of Ada P. Shaw for
enrollment as a citizen of
the Cherokee Nation.**

Brief of the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Muskogee, I. T., May, 8, 1902.

In the matter of the application of
Ada F. Barr for enrollment as a
citizen of the Cherokee Nation.

Cherokee D. 859.

BRIEF ON THE PART OF THE CHEROKEE NATION.

The applicant is a daughter of James M. Coker, listed for enrollment on Doubtful Card No. D. 638. James M. Coker was admitted to citizenship in September, 1881 while he was a citizen and resident of the state of Arkansas, and removed to the Cherokee Nation in 1893, or twelve years after he was readmitted to citizenship. The applicant, herself, was born in the state of Arkansas, and moved to the Cherokee Nation with her father, and it would seem that her case was determined by that of her father, and reference is made thereto, the same being Cherokee D. 638.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

A. G. E.

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BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

CHEROKEE D. 859.

IN THE MATTER OF THE APPLICATION OF

Ada F. Barr.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Oath of Testimony of 11/21/00.

B. Memo. of Application of 12/1/00.

C. Notice of final consideration, 3/11/02.

D. Receipt for testimony.

E. Decision.

F. Applicant's brief.

G. Can.

H. to 12/1/01.

See Cherokee packet no 2638

Cher D 860

Cher D 860

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 21, 1900.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters as Cherokee citizens; being sworn and examined by Commissioner Brookbridge who testified as follows:

Q Give me your full name. A Mary E. Roberts.
Q How old are you? A 18 1/2 years old.
Q What is your post-office? A Chelsea.
Q Do you live in Chawwascoowa District? A Yes sir.
Q For whom do you apply for enrollment? A Myself and three sisters.
Q They are minors are they? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Since This week since last Monday.
Q Just a few days? A Yes sir.
Q Have you ever been admitted to citizenship by the Cherokee Commission? A No sir.
Q Has your mother been admitted? A (No answer, but applicant produces papers)
Q Give me the name of your father? A Alexander P. Roberts.
Q Is he a Cherokee or a white man? A White man.
Q Is he dead or alive? A Alive.
Q Give me the name of your mother? A My mother is dead, Theresa E. Roberts.
Q Was she a Cherokee? A Yes sir.
Q How long since she died? A 10 years.
Com'r: The applicant presents a duly authenticated certificate showing that on the 14th day of June 1887 Theresa E. Roberts was admitted to citizenship as a Cherokee by blood;
Q That is the name of your mother? A Yes sir.
Com'r: And the certificate also shows that at the same time Mary E. Roberts, aged at that time four years, was admitted to citizenship.
Q That is your name is it? A Yes sir.
Com'r: This is recognized as official evidence of the applicant's admission at the time stated, and the admission of her mother, now deceased; this document is filed with the application.
Q Where were you living at the time you and your mother were admitted? A We were living in Georgia.
Q Was your father dead at that time? A No sir.
Q He died since then? A No, father is not dead.
Q Your father is alive now, but your mother is dead? A Yes sir.
Q Did your father and mother ever come to the Cherokee Nation after your mother's admission in 1887? A No sir, they never came at all.
Q Did you ever come to the Cherokee Nation? A No sir, I have never been here at all until the last few days.
Q You are still a minor? A Yes sir.
Q Of course you are not on my rolls? A No sir.
Q Have you come here now for the purpose of making your home? A Yes sir.
Q Have you relatives here? A Yes sir.
I am a niece of Mr. Marion Roberts of Chelsea.
Q Do you intend to make this your home? A Yes sir.
Q Give me the names of your sisters? A Estelle C. Roberts.
Q How old is she? A She is 16 years old.
Q The next sister? A Fannie L. Roberts.
Q How old is she? A 14.
Q The next sister? A Lucy M. Roberts.
Q How old is she? A 12.
Com'r: The name of Estelle C. Roberts is also identified on the

Mary M. Roberts et al 2

certificate of admission previously referred to, her age at that time was 2 years; and the name of Fannie L. Roberts is likewise identified on the certificate; her age at that time being one year.

Q Where are your sisters Metelle and Fannie at this time. A They are in this place, Chelsea.

Q And your sister Lucy, where is she. A She is here too.

Q They came with you a few days ago. A Yes sir.

Q Is it the purpose of all three of your sisters to make their home here? A Yes sir.

Q And all four of you come here now for the purpose of staying at this time and from this time forth. A Yes sir.

Q With whom do you expect to live? A We will live with our uncle and cousins for a while.

Q Does your father expect to come here? A Well no I don't guess he does; not that I know of.

Q Have you no brothers? A No sir.

Q You have an uncle here? A Yes sir, Mr. Marion Roberts.

Q Is he here in the house? A Yes sir, he is right there.

MARION ROBERTS, being sworn and examined by Commissioner Brack-
inridge testified as follows:

Q Give your name? A Marion Roberts.

Q How old are you? A 37.

Q How long have you lived in the Cherokee Nation? A Nearly eight years.

Q You are an uncle of this young lady Miss Mary M. Roberts? A Yes sir.

Q She states that she and three sisters have recently come to the Cherokee Nation for the purpose of making it their home? A Yes sir.

Q Do you consider it reasonable under the circumstances that they should make it their home here instead of with their father?

A I think it is, for this reason, I have been trying to get them here for several years.

Q Why have you thought it advisable for them to come here?

A Because their interests were here.

Q Their interests were here rather than in Georgia? A Yes sir.

Q What interests have they here? A They are Cherokee by blood and have been once recognized as citizens by that certificate, and are fully moved here, and they have the same right.

Q That's another question; I am talking about why their interests are here rather than in Georgia. A Because they are Cherokee citizens.

Q Hasn't their father a home for them in Georgia? A He hasn't a home I don't think, of his own.

Q Has he married since the death of their mother? A Yes sir.

Q And has some children by the second wife? A Yes sir.

Q Is he a property owner in Georgia? A I don't know; he is not in Georgia now.

APPLICANT RECALL, DE

Applicant: He is not in Georgia now, he is in North Carolina.

Q Does he own his home there? A No sir, I don't think he does.

Q What is his business there? A He is superintendent of a

tar company; he is a manager of the business.

Q Is he not providing you with a comfortable support there in North Carolina? A Yes.

Q Have you not many advantages there that you would not have here? A Well no, the advantages there are not such as we would have here.

Q The social advantages are great there? A No sir, not where they are.

Q Is your father a large property owner? A No sir. He has no

property at all.

Q Was he a large income? A No sir, not a large one.

Q What income has your father? A Seventy-five dollars a month.

Q That's all? A Yes sir.

Q What children have he by his second wife? A Three little ones.

Q And all of them are dependent upon that seventy-five dollars a month for support? A Yes sir.

Q No other means of support? A No sir.

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Com'r Breckinridge: The applicant applies for the enrollment of herself and three sisters; they are all minors; it is shown by the certificate of admission as filed herewith that her mother and herself and her two older sisters Estelle C. and Fannie L. Roberts, were all admitted to citizenship as Cherokees by blood in 1887, the mother and never came to the Cherokee Nation, nor did either of these three children come to the Cherokee Nation until within the last few days; and there has come with them the youngest child, Lucy M. Roberts, who was born since the admission of her mother; none of the present applicants are upon any roll of the Cherokee Nation, but for the further consideration of their right as minors they will all four be at this time placed upon a doubtful card, and the final decision of the commission will be made known to the applicant at her post-office address; the testimony is referred to for full statement of the facts and purposes as relates to this case.

U.D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

U.D. Green
Subscribed and sworn to before me this 26th day of November 1900.


Commissioner.

Supl.-C.D.#360.

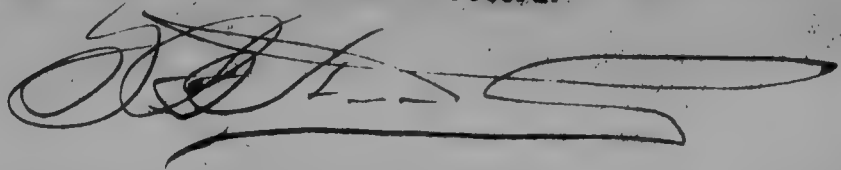
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARY E. ROBERTS
as a citizen of the Cherokee Nation.

The applicant in this case, Mary E. Roberts, was notified by registered letter February 19, 1902, that her application for the enrollment of herself and sisters as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears by their Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

The Agent for the Applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

In re
Application of Mary M. Roberts,
and her three minor sisters,
Estelle C., Fannie L. and
Lucy M. Roberts, for enrollment
as Cherokee citizens.

No.

BRIEF ON BEHALF OF APPLICANTS.

Statement of Facts.

The facts in this case as shown by the decision of the Dawes Commission are as follows:

The applicants Mary M. Roberts and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts were all minors at the time of their application. They are of Cherokee blood. Their mother who was of Cherokee blood is dead, and their father has re-^{three}married. The mother and the ^{three}eldest of these applicants were properly admitted to citizenship on the 14th day of June, 1887. The youngest child was born since that date. All the applicants were born beyond the limits of the Cherokee Nation and removed to the Nation a short time before the application for enrollment and are making their home with their uncle in the Cherokee Nation.

The application has been rejected by the Dawes Commission for the reason that they have not complied with paragraph 9 of section 21 of the Curtis Act.

Argument.

We have heretofore submitted authorities in various cases supporting our contention that the said paragraph 9 was not intended by Congress to apply to minor children; that the word "person" as therein used has reference to adults borne on the rolls and that this distinction is clearly made by Congress in providing for the enrollment of descendants of such persons born since such rolls were made. There is no provision that the descendants in such cases shall have been born in the Cherokee Nation, or that the descendants

shall have "removed to and in good faith settled in the nation".

In the case of *Lau Ow Bew vs. U. S.*, 144 U. S. 47, 61 the Supreme Court of the United States laid down the rule that acts of Congress are never to be construed so as to lead to injustice, oppression or an absurd consequence. In the case of *Bernier vs Bernier*, 147 U. S., 246, the same court has also held that the words used by Congress are to be restrained within the limits of their ordinary meaning where it is the evident intent of Congress that they should be so restrained. Applying these general canons of law as announced by the highest court in our country to this case we find

First, that Congress on the 8th day of February, 1887 and on the 3d day of March, 1901 passed acts which permitted these children's mother to marry a white man and live with him outside the limits of the Cherokee Nation without forfeiting any of her rights to tribal property. These acts were passed to encourage Indians to marry, settle and make their permanent homes with white people. We are not, therefore, to construe the act of Congress of June 28, 1898, so as to make it the intent of Congress to lead these persons into a trap, that is, by encouraging them by the act of 1887 to take up their residence with white people outside the nation and then by the act of June 28, 1898, to deprive them of their rights which the former act promised should be preserved to them.

Second, we have heretofore commented at length on the injustice and absurdity of the construction of an act of Congress which would require an infant to leave its mother's arms, or its home and "remove to and in good faith settle in the" Cherokee Nation and there assume the responsibilities of citizenship in a new country, building fences and homes and plowing the soil.

We submit that there is no reasonable way of avoiding the rules as laid down by the Supreme Court of the United States in construing this statute and as there is no other reason for re-

fusing their enrollment except the reason that they have not
done what no sane man would expect could be done by an infant,

We therefore ask for the reversal of the Daves Commission.

Respectfully submitted,

Harry G. Kimball
~~Harry G. Kimball~~

24/11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary E. Roberts for the enrollment of herself and her sisters, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 21, 1900 Mary E. Roberts appeared before the Commission at Chelsea, Indian Territory and made personal application for the enrollment of herself and her sisters, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

The evidence shows that the applicants are minors and Cherokees by blood; that their mother, Emma E. Roberts, now deceased, was also a Cherokee by blood, but their father, Alexander P. Roberts, is a white man. Said Emma E. Roberts and all of these applicants, except Lucy M. Roberts, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on the 14th day of June, 1887. Said Lucy M. Roberts was born subsequent to said date.


The evidence further shows that said Emma E. Roberts and her husband, Alexander P. Roberts, never moved to and settled in the Cherokee Nation after said admission to citizenship; that their children, the applicants herein, lived with them from the date of their birth until the death of their mother, since which time they have resided continuously in Georgia and North Carolina with their father, until within a few days previous to the date of this application, when they came to the Cherokee Nation, and claim to have made settlement therein.


The 9th paragraph of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides as follows:

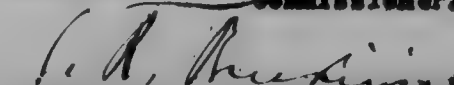
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary E. Roberts, Estelle C. Roberts, Fannie L. Roberts and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this September 20, 1902.

CR 742

CR 560

COMMISSION TO THE

MAY 20 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., May 18, 1903.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters, Estelle G., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

MARY

It appears that this case was reopened by the Secretary of the Interior on March 23, 1903; the principal applicant, Mary E. Forbes, nee Roberts, now appears before the Commission and desires to submit further testimony in support of her application.

Mary E. Forbes, being duly sworn, and examined by the Commission, testified as follows:

- Q State your name? A Mary E. Forbes.
Q How old are you? A Twenty years old.
Q What is your postoffice? A Chelsea, Indian Territory.
Q You are a Cherokee by blood, are you? A Yes sir.
Q You have heretofore made application to this Commission for enrollment? A Yes sir.
Q Who did you make application for besides yourself? A For my three sisters, Estelle G., Fannie L. and Lucy M. Roberts.
Q How old is Estelle now? A Nineteen.
Q Is she just a year younger than you? A My next birthday is in just a few days and I will be twenty-one.
Q How old is Fannie? A Seventeen.
Q And Lucy? A Fourteen.
Q Where were you born? A In Daluth, Georgia.
Q When did you come to the Cherokee Nation? A In November, 1900.
Q Three years ago next November? A Yes sir, came here the 9th of November.
Q Were you admitted to citizenship in the Cherokee Nation? Were you admitted by the Cherokee authorities as a citizen of the nation? A Yes sir. I had my certificate.
Q When was that? A In '87.
Q Was your father admitted at that time? A No sir, but my mother was.
Q Your father is a white man? A Yes sir.
Q Your mother was Emma E.? A Yes sir.
Q Was she admitted with you? A Yes sir.
Q You were at that time about four years old? A Yes sir.
Q About the time of your admission? A Yes sir.
Q None of your family came before 1900, did they? A I think my mother was here before that, but it was when I was very small, I don't remember anything about that.
Q I mean after your admission in '87? A I don't know.
Q After 1887 did any of you come to the Cherokee Nation before 1900? A None of us children did; I don't know whether my mother did or not.
Q Who were you living with? A My mother and father.
Q You would know? A I guess mother didn't come at that time or after that time.
Q The first time you came after your admission was in 1900? A Yes sir, 1900.
Q Did your mother come with you? A No sir, my mother has been dead for thirteen years.
Q She died shortly after she was admitted, did she? A Yes sir.

2- Mary E. Roberts et al.

Q Is your father living? A Yes sir.
Q Did he come with you in 1900? A No sir, we came alone.
Q Is your father still back in Georgia? A He is still back there; he is in North Carolina at present.
Q He has never lived in the Cherokee Nation, has he? A No sir.
Q Were you living with your father at the time you left Georgia to come here? A Yes sir. When I came here I ~~never~~ didn't come from Georgia, I came from North Carolina.
Q You were living there with your father? A Yes sir.
Q How long had you been living in North Carolina? A We had been living there four years.
Q Now, how did you come to move to the Cherokee Nation? A Well, I came here hoping of proving my rights here and making this my home.
Q And brought your three sisters along with you? A Yes sir.
Q Where did you come to? A Chelsea.
Q Did you have relatives there? A Yes sir.
Q Who? A Marion Roberts. He is my father's brother and his wife is my mother's sister. I have three aunts here.
Q Your aunts are Cherokees? A Yes sir.
Q And you came directly to Chelsea? A Yes sir.
Q And have been living there ever since? A My baby sister is living there, and Estelle and Fannie are with my father at his home.
Q In North Carolina? A Yes sir. They went there because it was cheaper for father to keep them there than to board here.
Q How long were they here? A Nine months.
Q And since that time they have been with their father in North Carolina? A Yes sir.
Q What does your father do in North Carolina? A He is Superintendent of a mining company. General Manager he is.
Q Have you any property in the Cherokee Nation? A No sir, we haven't any yet until it is given to us, but we have an allotment selected. We have it picked out.
Q How much Cherokee blood do you have? A One-sixteenth.
Q Did y ur father and mother ever talk about coming to the Cherokee Nation? A Well, I don't know, because when my mother died I was too small to remember very much about it.
Q Did your father ever talk to you about it? A Yes sir, my father has spoken fr quently of bringing us to the Cherokee Nation.
Q Your mother died about 1890, didn't she? A Yes sir.
Q Had y ur uncle been trying to persuade you to come to the Cherokee Nation for some time before you came? A Yes sir, for quite a while.
Q Did your father marry again after your mother's death? A Yes sir.
Q When, do you know? A He was married in 1892, I think.
Q Is your step-mother living? A Yes sir.
Q Living there in North Carolina with your father? A Yes sir.
Q And you were about eighteen years old when you came here? A Yes sir.
Q You came to the Cherokee Nation intending to live there always and make your home there, did you? A Yes sir.
Q Have you ever been back to North Carolina? A No sir, I have never been back since I came here.
Q Your sister, Lucy, has been living with you ever since you came, has she? A Yes sir, she never has been back either. And my other two sisters intend coming here just as soon as we can find out about whether we will be enrolled or not. My little sister has been here in school with me.
Q What do you do in the Cherokee Nation? A Why, I am just living at home with my husband.
Q When were you married? A I was married on the 22nd of last October.
Q What is your husband's full name? A William C. Forbes.

S-Mary M. Roberts et al.

Q Your husband is a Cherokee? A No sir.
Q White man? A Yes sir.
Q He is not a citizen, is he? A Well, he has been living here all the time.
Q He doesn't claim citizenship? A No sir.
By W. W. Hastings: When did you first come to the Cherokee Nation? A The 18th of November, 1900, was the day I arrived in the territory.
Q What is the exact date of your birth? A The fourth of June.
Q What year? A 1882.
Q You were eighteen in June before you came here in November? A Yes sir.
Q Did your father come with you? A No sir, we came alone, - myself and sisters.
Q Been here continuously since that time? A No, --- I have been here all the time.
Q That was your first trip to the Cherokee Nation? A Yes sir.
Q You had never lived in the Cherokee Nation prior to November, 1900? A No sir.
Commission: You don't know whether your father ever intended to come out here or not? A Well, I don't know; he has spoken frequently of bringing us out here.
Q Of bringing you out here? A Yes sir, and himself also.
Q He hasn't a business of his own, has he? A No sir, he works for a salary.
W.W.Hastings: What does he do? A He is General Manager for a Mining Company in North Carolina.
Commission: What did he do in Georgia? A He was Superintendent for a Land Company in Georgia, in and around Atlanta, Georgia.
W.W.Hastings: Is your mother dead? A Yes sir.
Q When did she die? A The 28th of July, 1890.
Q Did your father remarry? A Yes sir.
Commission: You made your home with your father and step-mother for about eight years before you came out here? A Yes sir.
Q You and your sisters also? A Yes sir.
Q Your father provides for this younger sister of yours? A Yes sir. I also have an affidavit stating why the children are with my father.
Q Have you a marriage certificate? A Yes sir.
Q Have you it with you? A Yes sir.
Q Leave it here and we will send it back? A All right.

Applicant states she has no further testimony to offer.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of May, 1903.

Samuel Foreman
Notary Public.

JAC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary E. Roberts for the enrollment of herself and sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on November 21, 1900, Mary E. Roberts appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself and sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation. On September 20, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval and the Department approved said decision on October 25, 1902. Under date of April 3, 1903, the Department returned the record in said case for readjudication and further proceedings in the matter of said application were had at Tahlequah, Indian Territory, May 16, 1903.

The evidence shows that all of the applicants herein are Cherokees by blood and that all of said applicants, except Lucy M. Roberts, were admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof on the 14th day of June, 1887, together with their mother, Emma E. Roberts, at which time the said applicants were minors; that the said Lucy M. Roberts was born subsequent to the date of said admission.

The evidence further shows that all of the applicants herein removed to and located in the Cherokee Nation in November, 1900, at which time all of said applicants were minors, except the said Mary E. Roberts, who had reached her majority a few months prior to said removal; that all of said applicants have continuously resided in the Cherokee Nation since their removal thereto, with the exception of the said Estelle C. and Fannie L. Roberts who have been temporarily residing in North Carolina with their father, it appearing that their intention has been to return to said Cherokee Nation.

The evidence further shows that the said Mary E. Roberts has been married to one William C. Forbes since the date of her original application.

Cherokee D 4200

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Ova H. Camp et al., I. T. D. 1412-1903, that the said Mary E. Forbes, nee Roberts, Matilda C. Roberts, Fannie L. Roberts and Lucy M. Roberts should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 26, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tarns Dixby.

Chairman.

T. B. Needles.

(SIGNED)

Commissioner.

C. R. Breckinridge.

(SIGNED)

Commissioner.

W. E. Stanley.

(SIGNED)

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1903

Charlene P. Mason

(h 74..).

THE JOURNAL OF THE

In the matter of the application of Mary M. Roberts for the enrollment of her 11-year-old son, Estelle C. Francis M. Roberts, as citizen of the Cherokee Nation.

Notice to recipient, review on reverse.

Comes now the undersigned, Attorney for the said Plaintiff, and respectfully represents that the decision of the Commission of the Five Civilized Tribes dated September 16, 1908, in favor of all of the defendants herein, except Thomas J. Roberts, were sustained by the Supreme Court of the United States in the said case constituted in the title of said case, filed in said Court, on June 17, 1910, and that the said

REPORTS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE, 1900-1901. The evidence of the Commission is that the land in question is located in the State of New York, and is a part of the land of the State of New York. The Commission has the honor to acknowledge the receipt of the report of the Commission of the General Land Office, dated the 10th day of January, 1901, and to inform you that the same has been forwarded to the proper authorities for their consideration. The Commission has the honor to acknowledge the receipt of the report of the Commission of the General Land Office, dated the 10th day of January, 1901, and to inform you that the same has been forwarded to the proper authorities for their consideration. The Commission has the honor to acknowledge the receipt of the report of the Commission of the General Land Office, dated the 10th day of January, 1901, and to inform you that the same has been forwarded to the proper authorities for their consideration.

"On June 15, 1906 I issued my opinion, No. 10,000, in the case of Allie Williams, a colored female, who had been admitted to citizenship permanently in 1904. This woman was excluded from the rights of the citizen by the National Council of the A. O. U. W., No. 1,000, in 1904, on such grounds as to her favor has been established by the evidence. The act of June 15, 1906 (34 Stat., 403, 404) which was passed provided that 'no person shall be enrolled who is not heretofore received as a citizen of the United States in the exercise of the elective citizenship.' This provision is to the effect that a limitation and a condition precedent to enrollment should be observed, and that in purpose and effect it is to exclude persons excluded by this office in the opinion of June 15, 1906, in case of Mary L. Strickland, et al. and in case of Anna. The statute related to the legislation of the same year, and minors and the persons from its operation the limitation was held to apply to the persons. The provision now under consideration is entirely analogous: It was held operative against adults by my opinions of December 20, 1903 in case of Allie Williams and of March 12, 1904 in case of Mary L. Strickland, and, as to minors that is the necessary implication and effect of my opinion of June 15, 1906 in the case of Alice L. Owens."

Further on the opinion concludes as follows:

"I am therefore of opinion that the rule established in the decision in the case of Mary L. Strickland and Allie Williams as to adults and by necessary inference held applicable to children by the opinion of Alice L. Owens is the proper one and should be followed."

In other words, the decision of the Assistant Attorney General in the above case holds that the act of June 25, 1898, applies to minors as well as adults, and that no person, including a minor, should be enrolled who had not prior to June 25, 1898, removed to and in good faith settled in the nation in which he claimed citizenship.

Now, there is no contention in this case but that none of the parties herein removed to and located in the Cherokee Nation until November, 1900. The evidence shows it, and the decision of the Commission so finds. For the reasons hereinabove assigned: First, that the decision of the Commission to the Five Civilized Tribes was contrary to the law, and, second, that it was contrary to the opinion of the Assistant Attorney General hereinabove referred to, the Cherokee Nation respectfully moves that the case be resound, reviewed and reversed, and that the Commission to the Five Civilized Tribes be directed to strike their names from the final roll prepared for citizens of the Cherokee Nation by blood.

Respectfully submitted,

Attorney for the Cherokee Nation.

ATTORNEYS

L. B. HILL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STAHL, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

NO. F. D.

Muskogee, I. T., March 5, 1902.

M. J. Dough, Esq.,
Chels., I. T.

Dear Sir:

A woman by the name of Mary E. Roberts has applied to the United States Commission for enrollment of herself and sisters. These people were admitted in 1837 and lived in the state of Georgia until a few days before they enrolled which was in November, 1891, at Telfer. She stated in her testimony that she had come to the Cherokee Nation to take her home. I wish you would look up for us and see if she is living in that country now. The theory is that as soon as they enrolled they went right back. They said they had an uncle there by the name of Marion Roberts. Please write me at once if these people are now living where Marion Roberts, and if not give me the name of a good citizen by whom we can prove that they returned and are not living there now.

Yours truly,

D.

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
.....day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the.....day of..... A. D. 190...

Subscribed and sworn to before me,
this.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Mary E. Roberts,
for enrollment as Cherokee citizens:

Case No. D. 860

To Mary E. Roberts, Choctaw, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 11th, 1906, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 5th, 1906.

M. W. Hastings
Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 860.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 14.

HARRY G. KIMBALL.
WILLIAM HENRY WHITE.

KIMBALL & WHITE,
Attorneys at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

October 22, 1902.

W. A. Hastings, Esq.,
Attorney for the Cherokee Nation.
Muscogee, I. Ty.

Dear Sir:-

We enclose copy of brief filed this day in the Interior
Department in re the application of Mary A. Roberts et al for en-
rollment as Cherokee Citizens.

Yours truly,

PRV

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE

ALFRED I. AYLSAORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 260.

Muskogee, Indian Territory, November 11, 1902.

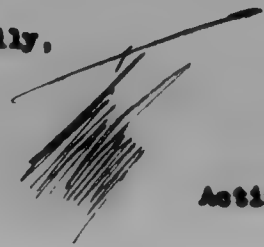
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Mary E. Roberts for the enrollment of herself and her three sisters, Estelle C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 23, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NIDLES,
C. R. BRECHERIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-742

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1903.

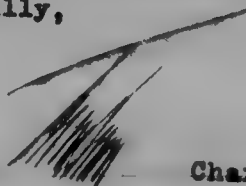
W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Mary E. Roberts, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicants in the Cherokee Nation, and the principal applicant and her agent have this day been notified that any further testimony which they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 15, 1903.

Respectfully,



Chairman.

GRS

7287
COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-860

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application for the enrollment of Mary E. Forbes, Estella C., Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-40

Chairman.

mdg

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-742

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated September 18, 1903, granting the application of Mary E. Forbes
for the enrollment of herself and her three sisters, Estelle C.,
Fannie L. and Lucy M. Roberts, as citizens by blood of the Cherokee
Nation, was affirmed by the Secretary of the Interior on February
8, 1904.

Respectfully,



Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
9959-1904.
47203-1906.

June 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the
Commissioner to the Five Civilized Tribes, dated May 29, 1906,
transmitting a motion to reopen, review, and reverse the
Cherokee citizen enrollment case of Mary E. Roberts, et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M. E.

(COPY)

D.C.43434-1906.

DEPARTMENT OF THE INTERIOR,

Y.P.

I.T.D.10686-1906.

WASHINGTON.

PHE.

L.R.S.

September 28, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 4, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in favor of the applicants in the Cherokee enrollment case of Mary M. Roberts, now Forbes, Estelle C. Roberts, Fannie L. Roberts and Luck M. Roberts.

The Department has considered the motion by the attorney for the Cherokee Nation to reopen the case, submitted with your office letter of May 29, 1906, and Indian Office letter of June 9, 1906. In view of the approval of the opinions of the Assistant Attorney-General of December 28, 1905, in the case of Mary L. Strickland, and of December 24, 1905, in the case of Ora M. Bond and James M. Camp, and in accordance with your recommendation of May 29, 1906, the decision of the Department of February 8, 1904, is rescinded, and the applicants denied enrollment in the Cherokee Nation, as they had not removed to the nation or the Indian Territory prior to June 28, 1898. Their names have been stricken from the schedule, approved by the

Department, of citizens by blood of said nation opposite numbers 20452 to 20455 inclusive. You will so advise them and inform the Department whether allotments have been made to any of them and if so, as to its status. You will ascertain from the U. S. Indian Agent, Union Agency, whether any application of any kind has been filed in his office affecting any land that may have been allotted to any of these persons.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Cherokee-10376.....

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of September 28, 1906, granting your motion for review of the Cherokee enrollment case of Mary E. Roberts (now Forbes), et al; rescinding its decision favorable to said applicants, and denying their applications for enrollment as citizens of the Cherokee Nation.

Respectfully,

Incl. S-5
LS

Commissioner.

~~Decision~~

800

IN THE MATTER OF THE APPLICATION OF

Mary E. Roberts

FOR ENROLLMENT AS ~~Legal~~
CHEROKEE CITIZENS.

~~Original testimony of 7/21/00.~~

~~Memorandum of Application of 11/20/00.~~

~~Certificate of Citizenship~~

~~Receipt for testimony~~

~~Notice of final consideration 9/11/02~~

~~Order denying testimony 11/11/02~~

~~James P. ...~~

~~Cherokee~~

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COMMISSION TO THE
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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 18, 1900.

In the matter of the application of Lizzie Reed et al. for enrollment as Cherokee citizens; being sworn and examined by Com'r Breckinridge who testifies as follows:

Q What is your name? A Lizzie Reed.
Q What is your age? A Twenty-four.
Q What is your post-office? A Baptist.
Q And your district? A Goingsnake.
Q For whom do you make applications? A For myself and two children.
Q Is your husband living? A Yes sir, me and him separated.
Q You are not applying for him? A No sir.
Q Have you the custody of the children? A Yes sir, I reckon, he went off and left me last April and when he went off he said for me to do the best I could with the children.
Q He left you the children? A Yes sir.
Q How long have you lived in this District? A I have lived here all my life.
Q And are living here at this time? A Yes sir.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q What was your name before your marriage? A Lizzie Scott.
Note: 1880 roll examined, page 470, #1481, Lizzie Scott.
Q When were you married? A I have been married five years.
Note: 1896 roll, page 782, #1790, Lizzie Reed, Goingsnake District.
Q What was your mother's name? A Jennie Scott.
Q That the Jennie Scott who was identified awhile ago on the roll of 1880? A Yes sir.
Q And your father's name? A John Scott.
Q That the John Scott who was identified awhile ago on the roll of 1880? A Yes sir.
Com'r Breckinridge: I will state in the record that your name is recognized in the family list of John Scott.
Q Your two childrens' names? A John R. Reed, four years old 8th of last March.
(On 1896 roll, page 782, #1750) Samuel Reed, two years old.
Q Have you a certificate of birth for that child? A Yes sir, (Produced certificate.)

Com'r Breckinridge: This is accepted as a duly authenticated certificate of the birth of your child, Samuel Reed, born June 20th 1898.

Mrs. Reed, your enrollment is duly identified on the rolls of 1880 and 1896; your older child is duly identified on the rolls of 1896; your younger child is identified by a certificate of birth in due form; and all of you, as enumerated, will be enrolled as Cherokees by blood.

M. D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of July 1900.

Clifton R. Breckinridge

*This is not an
official copy*

Memorandum by J. Lee

Westville Ind. Nov. 15, 1900.

In the matter of the application of Lizzie Reed for enrollment as
Member of the Cherokee Nation by blood by the United States Commission
to the Five Civilized Tribes.

Q--What is your name? A--Lizzie Reed.

Q--What is your post office address? A--Westville, I. T.

Q--In what District of the Cherokee Nation do you live? A--Goingsnake.

Q--For whom do you make application for enrollment? A--Myself and 2 children
born.

Q--Is your husband living? A--Yes sir. He and I are separated. He went
off and left me with the children.

Q--How long have you lived in this district? A--All my life.

Q--Are you a Cherokee by blood? A--Yes sir.

Q--What was your name before your marriage? A--Lizzie Scott.

Q--How long have you been married? A--Five years.

(Examination of the 1896 roll Goingsnake District page 782 No 1749 shows
her enrolled as Lizzie Reed.)

Q--What was your mother's name? A--Jennie Scott.

Q--Is that the Jennie Scott that is identified upon the roll of 1880?

A--Yes sir.

Q--What was your father's name? A--John Scott.

Q--Was he the John Scott that was identified on the roll of 1880?

A--Yes sir.

Q--Are you recognized on the roll of 1880 with your father's family?

A--Yes sir.

Q--Now your children please?

A--John Wiley Reed.

(Tribal Enrollment 1896 Roll Goingsnake District No 122 1750 Page
382 name appears as John R. Reed.)

Q--The name of the next child? A--Samuel Reed.

Q--How old is he? A--Two years old.

Q--Have you got a certificate of birth? A--Yes sir.

Witnessed before me a certificate of birth duly attested.

Exhibit No. 2.

This is executed as a duly authenticated certificate of birth of your child Samuel Reed born June 20, 1899.

Questioned by Mr. Hastings: What was your husband named? A Henry Reed.

Q--When were you married to him? A--Last May 5 years ago.

Q--Who married you? A--Gordon. Q--Where? A--Yes sir.

Q--Was Henry Reed a whiteman? A--Yes sir.

Q--He was not a citizen of the Cherokee Nation? A--No sir.

Q--Did he get license to marry? A--Yes sir.

Q--From the District Clerk? A--Yes sir.

Q--Has he got them now? No sir.

Q--Have you got them? A--Yes sir. He went off and left them.

Q--What made him leave you?

A--His brother in law bought a place out west and he told his brother in law if he would buy the place he would let him live on it his lifetime and hold it for the two children and I objected. His Brother in law was a whiteman.

Q--And your husband was a whiteman? A--Yes sir.

Q--And you would not agree to the trade? A--No sir.

Q And on that account he left you? A--Yes sir.

Q--When did he leave you? A--April 1, 1899.

Q--He has not been back since? A--No sir.

Q--Does he write to you? A--No sir.

Q--And you only know from hearsay where he is? A--Yes sir.

Q--And you lived together amicably and all right since your marriage to that time? A--Yes sir.

Q--Any divorce proceedings now pending? A--Yes sir I seek for divorce.

Q--In what Court. A--United States Court at Vinita Ind. Terr.

Q--You brought suit? A--Yes sir. Q--Where do you live now? A--We live

here--We lived at Vinita two months--just went out there.

Q--Has that suit been tried yet? A--No sir.

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now be placed on a Court trial card, awaiting further evidence, and for the further consideration of the Commission on this case.

By Clarence M. Lawrence, U. S. Agent: The Commission claims that by both the testimony of the applicant and his wife, he abandoned her, and under Section 507, Compiled Laws of the Cherokee Nation for 1892, that he is not entitled to enrollment.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 20th day of November, 1900.

[Signature]
[Signature]

COMMISSIONER.

RECEIVED
THE CHIEF OF BUREAU
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
NOV 21 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKLAHOMA, T. P., NOVEMBER 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Henry Clay Reed for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. M. Brockbridge, testified as follows:

Q Give me your full name please? A Henry Clay Reed.
Q How old are you? A Thirty two.
Q What is your last name? A Catalase.
Q Do you live in Goingsnake District? A Yes sir.
Q Do you want to enroll yourself and family? A Myself, my family has been enrolled.
Q Are you a white man? A Yes sir.
Q Why did they not apply for you? A We were not living together.
Q Have you a certificate of your marriage? A Not present.
Q What is your wife's full name now? A Lizzie Reed.
Q When did you marry her? A The 18th of May, 1895.
Q How old is she? A Twenty three I believe.
Q Was she ever married except to you? A No sir.
Q Give me the name of her father? A Scott.
Q Full name? A John Scott.
Q Is he dead? A No sir.
Q Give me the name of her mother? A Jennie.
Q Is she dead? A No sir.
Q Was your wife born in the Cherokee Nation? A Yes sir.
Q Has she lived here all her life? A Yes sir.
Q How long did you and your wife live together? A Five years, lacking from April of being five years.
Q Then you lived together until here very lately? A Yes sir.
Q Have you ever got a divorce from her? A No sir.
Q Did she leave you, or did you leave her?
A I reckon you would call it me leaving.
Q Why did you leave? A I went off to work on Grand River.
Q Why did you leave your wife? A For her not living right.
Q You left your wife last April? A Yes sir.
Q Did you leave the children with her? A Yes sir.
Q Why did you leave the children with her if she was not living right? Do you think she is a fit woman to bring them up?
A No sir.
Q Did you ever apply for a divorce? A No sir; I wanted to take them if I could.
Q You have never applied for the custody of the children?
A No sir.
Q You did not try to take them with you then? A No sir.
Q Is that all you have to say? (No response)
Q Is she living on the place where you and she lived?
A No sir, she is living in Going Snake District.
Q With whom is she living? Her father? A Her father, yes sir.
Q You just make a general statement that she was not living right?
A She was not living true to me; she was not living as a lady.
If you want any other proof, I can prove it.

(1896 Roll, Page 827, #148, Henry Reed, Going Snake District)

The applicant claims to have married his wife, Lizzie Reed, in accordance with Cherokee law, in May 18th, 1895. She has already been enrolled, in Case #137.

The applicant is identified on the roll of 1896; He does not produce any Cherokee license and certificate at this time; He is required to produce this document.

It also appears from his own testimony, and from that given by his wife, that they separated within the present year. The testimony is referred to for particulars in the case, and his application will

THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, the undersigned, Clerk of the County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of Dallas, State of Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Dallas, State of Texas, at Dallas, Texas, this 1st day of November, 1911.

CLERK OF THE COUNTY OF DALLAS, TEXAS.

Subscribed and sworn to before me this 1st day of November, 1911.



NOTARY PUBLIC.

Henry Reed, Plaintiff;

In the United States Court,

VS?

Northwest District, Ind, East

Lissie Reed, Defendant,

Sitting at Vinita? Dec , Term I.

COMPLAINT IN EQUITY;-----DIVORCE.

The plaintiff, herein states that he is a Non-Citizen or white man, and that the Defendant is a Citizen of the Cherokee Nation, and resides nearer Vinita than any place where a United States Court is held.

2nd. That he has resided within said Territory for one year next before the bringing of this suit, and that the cause of Divorce for which he prays occurred, and existed within said Territory within five years next before the bringing of this suit.

3rd. That plaintiff, and Defendant herein were married at ----- in the Indian Territory, on the 12th day of May, 1898, and continued to reside therein, cohabiting during said time as husband and wife, until the 8th, day of April 1900, when plaintiff left defendant for the following reasons, That on account of the defendant having committed adultery subsequent to such marriage, the plaintiff having knowledge of such facts left said defendant.

4th. That there were born of the said marriage two children, viz. John R. Reed, born March 8th, 1896. James Reed, born July 20, 1898.

Wherefore; plaintiff asks that on final decree, he be ~~separated~~
divorced from the defendant, and that he be granted the care and custody of the children and that he be given his cost in the action, and other proper relief.

J. G. E. Lewis
Att'y for Pl.

I, J. O. Rosson do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

John Rosson

APR 1 1905
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

ACTING CHAIRMAN

10801

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
HENRY C. REED as a citizen of the Cherokee Nation:

The applicant in this case was notified by Registered letter February 19, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. On said date the applicant appeared by his Agent and by agreement the case was continued until the 19th day of March, 1902. On said date the case was again continued by agreement until the 24th day of March, 1902. The same being this day, to-wit: the 24th day of March, 1902, called, the applicant appears by his Agent, I. P. Bledsoe:

Mr. W. W. Hastings, Cherokee Representative, present.

HENRY CLAY REED, the applicant, being duly sworn, testified as follows:

MR. BLEDSOE:

- Q What is your name? A Henry Clay Reed.
Q How old are you, Mr. Reed? A 34.
Q Where do you live, Mr. Reed? A Up close to Gatala.
Q In the Cherokee Nation? A Yes, sir.
Q Are you married, Mr. Reed? A Yes, sir.
Q What is your wife's name? A Lizzie.
Q What was her name before you married her? A Scott.
Q Was she a Cherokee citizen? A Yes, sir.
Q Have you any children by that marriage? A Three.
Q What are their names, Mr. Reed? A John Riley, Sam and Annie Francis, the last one was sent down a few days ago.
Q Are these children all living now? A Yes, sir.
Q You and your wife and these children all living together?
A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.

MR. HASTINGS:

- Q When did you commence living with your wife again?
A In February, in last February a year ago.
Q You weren't living together when this application was first made? A We was separated.
Q But you have been living together since the last February was a year ago? A Yes, sir.
Q Living together now? A Yes, sir.

MR. BLEDSOE:

- Q The cause of this separation was simply a little family trouble?
A Yes, sir.
Q How long was your wife off from you? A About nine or ten months.

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. C. Brown, do hereby certify that the foregoing is the
testimony and proceedings in this case, and that the foregoing is
a true and complete transcript of the proceedings above stated.

Johnson

RECORDED
INDEXED
JUN 1 1901
U.S. DEPT. OF JUSTICE

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 22, 1908.

In the matter of the application of HENRY C. REED, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

HENRY C. REED, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Henry C. Reed.
Q How old are you ? A Thirty four.
Q What is your post office address ? A Cataloochee.
Q Are you a white man ? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage ? A Yes sir.
Q What is the name of your wife ? A Lizzie.
Q Is she a Cherokee by blood ? A Yes sir.
Q How long has your wife Lizzie been living in the Cherokee Nation ? A All her life.
Q When were you married to her ? A In May, 1895.
Q Were you married to her under a Cherokee marriage license ? A Yes sir.
Q At that time ? A Yes sir.
Q Did you file with this Commission a copy of your marriage license and certificate ? A Yes sir.
Q When ? A In March.
Q Last March ? A Yes sir, I was here the 24th of March, and got a receipt from the Dawes Commission.
Q You testified before the Commission last March ? A Yes sir.
Q And you filed your marriage license and certificate at that time ? A Yes sir, and they were sent here.
Q Now is Lizzie Reed your first wife ? A Yes sir.
Q Are you her first husband ? A Yes sir.
Q Neither of you ever married before ? A No sir.
Q Have you and your wife Lizzie been living together ever since your marriage ? A We were separated a while, about eight months.
Q When was that ? A Well, it's been two years ago. We have got a baby since.
Q Have you been living together for the past two years ? A Yes sir.
Q You made it all up ? A Yes sir.
Q Are you living together now ? A Yes sir.
Q What was the trouble between you ? A Family troubles and jealousies.
Q Was she jealous ? A I was.
Q Have you made your home in the Cherokee Nation, you and your wife, ever since you were married ? A Yes sir.
Q How many children have you ? A Three.
Q How old is the youngest one ? A Eight months.
Q These three children are living, are they ? A Yes sir.
Q Has the youngest one been enrolled ? A Yes sir.

Examined by J. C. Starr:

- Q Where are you living now ? A Up in Cooweescoowee; in Cataloochee.
Q Is your wife up there with you now ? A Yes sir.
Q How long has she been there ? A We moved there last February.
Q Has she been there with you ever since ? A Yes sir.

Q Where did you live before that? A Watauga County.
Q How long were you separated?
A About eight months.
Q When was it this separation took place?
A I can't remember the date, it's been about two years ago, more than two years ago.
Q You were separated about two years ago for eight months, and then went to live together again?
A Yes sir.
Q How you lived together continuously since that time?
A Yes sir.
Q Never been separated?
A No sir.

E. S. Bagwell, an oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. S. Bagwell

Subscribed and sworn to before me this December 2, 1902.

B. C. Jones
Notary Public.

- Q. There has been no more family trouble, is that correct, sir?
- A. Yes, sir.
- Q. Were you living together at the time of the death of the child?
- A. Yes, sir.
- Q. How long has your wife been living with you since the death of the child?
- A. All her life.
- Q. How long have you lived together since the death of the child?
- A. Yes, 10 or 11 years.
- Q. You have lived in the same place since you married your wife, is that correct, sir?
- A. Never had a home since we married, sir.

Examination continued.

- Q. Was there any other person living with you at the time of the death of the child?
- A. Not but enough, there wasn't.
- Q. Was a suit brought?
- A. Yes, sir.
- Q. Who brought it?
- A. I did.
- Q. What occurred in the suit?
- A. I think so.
- Q. Was the suit dismissed?
- A. Yes, sir.
- Q. Withdrawn?
- A. Yes, sir.
- Q. Who did?
- A. I do, sir, I reckon.
- Q. That was after the death of the child, is that correct, sir?
- A. Yes, sir.

BY THE COMMISSION:

- Q. Did you tell the jury that the above was a true and complete transcript of his stenographic notes?
- A. Yes, sir.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of April, 1906.

James L. Carr
Notary Public

122

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 30th, 1903.

In the matter of the Application of Henry
C. Reed for the enrollment of himself as
a citizen by intermarriage of the Cherokee
Nation.

Supplemental to
Cherokee D-861.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

Henry C. Reed, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Henry C. Reed.
Q. How old are you? A. About 35.
Q. What is your post office? A. Catala.
Q. You are a white man? A. Yes, sir.
Q. You are claiming the right to be enrolled as a citizen
by virtue of intermarriage? A. Yes, sir.
Q. What is the name of the wife through whom you claim
citizenship? A. Lizzie.
Q. What was her name before you married her? A. Scott.
Q. Is she a Cherokee? A. Yes, sir.
Q. When were you married to her? A. May 12th, '95.
Q. Did you file your marriage license and certificate with
the Commission? A. Yes, sir.
Q. When? A. 24th of March, I believe it was.
Q. When, last March? A. Yes, sir.
Q. Is Lizzie your first wife? A. Yes, sir.
Q. Are you her first husband? A. Yes, sir.
Q. Have you and your wife Lizzie lived together ever since
you were married? A. All but a little while. We were parted
a while.
Q. When was that? A. I reckon it was '98.
Q. You lived together from '95 to '98? A. Yes, sir.
We were parted about 10 months.
Q. What was the cause of the separation? A. Family trouble.
Q. What is very likely but what was the trouble? A. Well,
jealousness.
Q. Were you jealous of her? A. Yes, sir.
Q. Was she jealous of you? A. I don't know whether she
was or not.
Q. Who did the leaving? A. I did.
Q. That was in 1898? A. Yes, sir.
Q. You lived apart ten months? A. Yes, sir; about ten
months.
Q. When did you commence living together again, the fall of
that year or the next year? A. In the spring, February.
Q. Spring of 1899? A. Yes, sir.
Q. Made it up again, did you? A. Yes, sir.
Q. You didn't get a divorce in the meantime? A. No, sir.
Q. Have you been living together since 1899? A. Yes, sir.

Q. There has been no more family trouble? A. No, sir.
 Q. Were you living together on the first day of last September? A. Yes, sir.
 Q. How long has your wife been living in the Nation?
 A. All her life.
 Q. How long have you lived in the Cherokee Nation?
 A. Why, 10 or 11 years.
 Q. You have lived in the Cherokee Nation continuously since you married your wife Elsie in 1895? A. Yes, sir.
 Q. Never had a home anywhere else? A. No, sir.

Examination by Mr. Starr.

Q. Was there any divorce suit brought in this case?
 A. Not put through, there wasn't.
 Q. Was a suit brought? A. Yes, sir.
 Q. Who brought it? A. I did.
 Q. What court? Was it in the United States court?
 A. I think so.
 Q. Was the suit afterwards dismissed? A. I dropped it.
 Q. Withdrew it? A. Yes, sir.
 Q. Who did? A. The lawyer, I reckon.
 Q. That was after you made up your mind to go back to her?
 A. Yes, sir.

BY THE COMMISSION:

Q. Did you tell your lawyer to dismiss it? A. Yes, sir.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ^{18th} day of April, 1903.

Jesse O. Carr
Samuel Foreman,
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Henry Clay Reed as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 21, 1900, Henry Clay Reed appeared before the Commission at Chelsea, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902, and again on October 22, 1902.

The evidence shows that Henry Clay Reed was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 12, 1894, to one Lizzie Scott, a citizen by blood of the Cherokee Nation.

The evidence further shows that about five years after his said marriage he and his wife separated, and about eight months thereafter they again resumed the marriage relation. It further appears that said Henry Clay Reed has lived with his said wife in the Cherokee Nation, with the exception of eight months heretofore shown, continuously from his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Henry Clay Reed should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 22, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Bixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. H. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR -2 1903

ATTORNEYS:

W. W. HASTINGS, Tahlequah, I. T.
J. L. BAUGH, Chouteau, I. T.

STENOGRAPHER:

J. C. STARR, Vinita, I. T.

MARSHALS:

JOHN PARKS, Vinita, I. T.
W. B. WYLY, Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.

Ft. Gibson I. T., Sept. 12, 1901.

Mr. T. A. Chandler,

Vinita, I. T.

Dear Sir:

Please kindly write us whether or not the suit for divorce between Lizzie Reed and H. C. Reed has been decided in your court and if so the substance of that decision. In case we need it we will send for certified copy.

What we desire to know particularly now is whether or not the abandonment was the alleged ground for divorce and whether or not that ground was sustained.

Yours truly,

J. L. Baugh
Atty for Cherokee Nation

Dear Sir:-

Replying to the above will say that has been no decision in said case. This suit commenced Dec 6th 1900. Summons issued same date. And suit was dismissed in vacation by plaintiff on July 2nd 1901.

I inclose you copy of the Complaint. If you should want copy certified please return copy inclosed. Yours truly, Chandler

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. - C. D. 861.

Muskogee, I. T., March 5th, 1908.

Mr. Linnie Reed,

Baptist, I. T.

Dear Madam:

Enclosed herewith find a subpoena for your attendance before the Dames Commission here at Muskogee on March 11th, 1908. Kindly accept service of the subpoena by filling out the blank stamped in red ink at the bottom of same, and return to us by first mail; and also advise us if you will be promptly at that time.

Yours truly,

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Harry C. Reed,
for enrollment as Cherokee citizens:

Case No. D 361

To Harry C. Reed, Okale, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 11th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March 5th, 1902.

N. N. Hastings
Attorneys for the Cherokee Nation.

ATTORNEYS

L. H. BELL

W. W. HASTINGS

J. M. DAVENPORT

J. C. STARR, SECRETARY

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

Muskogee, I. T. March, 5, 1902.

C. D. 861
Mr. T. H. Chandler,

Vinita, I. T.

Dear Sir:-

Please examine your equity docket, and advise us if a divorce has been granted to Lizzie Reed, against her husband, Henry Reed. There was a suit filed at one time by Henry Reed as plaintiff, against Lizzie Reed as defendant, No. 1428, equity. In her testimony before the Dawes Commission, Lizzie Reed testified that she had brought suit against her husband, and secured a divorce at Vinita. If this be true, send us a certified copy of the decree of divorce, and masters report.

No. 1428 was dismissed by Yours very truly,
plaintiff Henry Reed. on July 2-01 J. C. Starr

Lizzie Reed did not bring suit at this place
or get a divorce from the Court here.
She may have got her divorce at some other
place.
- T. H. Chandler

SUBPOENA.

INDIAN TERRITORY,
Cherokee Nation, SS.

TO ANY LAWFUL OFFICER:

You are commanded, in the name of the Cherokee Nation, by authority of an Act of the National Council of the Cherokee Nation, entitled "An Act making provision for the representation of the Cherokee Nation in the completion of the roll of the citizens of the Cherokee Nation, and for other purposes," approved by the Principal Chief of the Cherokee Nation, December 19, 1901, and by the President of the United States, January 20, 1902, to summons

Lizzie Reed, Baptist, J. T.,

to be and appear before the United States Commission to the Five Civilized Tribes, at Muskogee, I. T., on the 19th day of March, A. D. 1902, then and there to give evidence in such contested citizenship cases as the representatives of the Cherokee Nation may desire.

Dated March 12, 1902.

J. W. ...

No. C. D. 861.

Attorneys for the Cherokee Nation.

Waples 1-D T. S. - 15--02
J. C. Starr
Dear Sir,

I. order for
8 miles to-day to find
Lizzie Reed. She is
at Gratale, I. D. living
with her husband
H. C. Reed. I return
your prof. & my charges,
are \$1.00

Yours Truly
W. M. Quarles

MM 1000
AMS HANDY
THOMAS H. HARRIS
W. J. HARRIS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-861

Muskogee, Indian Territory, March 11, 1903.

W. W. Hastings,

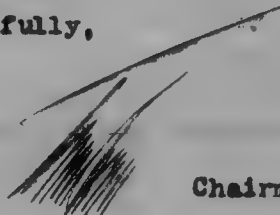
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Henry Clay Reed for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-221

IN THE MATTER OF THE APPLICATION OF

Henry C. Reed

JUDGE OF THE COURT

CHEROKEE COUNTY, TENN.

A. Trip to testimony of "12/1/00.

C. Memo of application of "12/1/00.

E. Notice of final consideration, 3/11/02.

D. Marriage license

E. Marriage certf.

F. Marriage certf.

Order returning case to "1/02.

Receipt for testimony.

For 1/6/02

Cher D 862

Cher D 862

PR
SA

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Taylor as a citizen, by intermarriage, of the Cherokee Nation.

ORDER

The record in this case shows that on November 21, 1900, George W. Taylor appeared before the Commission at Chelton, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant has died since the filing of this application.

It is therefore ordered by this Commission that the application for the enrollment of George W. Taylor as a citizen of the Cherokee Nation, be dismissed without prejudice as to any future action which may be deemed necessary and proper.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED):

Tams Dixby

Acting Chairman.

(SIGNED):

I. E. Needles

Commissioner.

C. R. Brookhridge

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

DRV

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 862.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

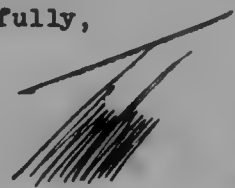
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the
Commission to the Five Civilized Tribes, dated December 10, 1902,
dismissing the application of George W. Taylor for the enrollment
of himself as a citizen by intermarriage of the Cherokee Nation,
he having died on December 24, 1901.

Respectfully,



Acting Chairman.

Enclosure H. No. 278.

QSR

The Geo W Taylor
who is dead &
whose certificate
of death
I sent you is
the one that is
on Cherokee Doubtful
Card No D862
O C

Filed

this day
for
me

IN THE MATTER OF THE APPLICATION OF

George W. Taylor

FOR ENROLLMENT AS

CHEROKEE

Proof

Ind 12-24/101

i-13 Proof of death
filed with Dawes
Commission

Decision - Dismissed

IN THE MATTER OF THE APPLICATION OF

^{Dead}
George W. Taylor

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of "21/00.

Marriage license of "21/00.

Marriage license and

Certificate

Receipt for testimony.

Recd

Deputy

John

John

Cher D 863

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1900	Roll	Page 177	George W. Smith, Jr.	George W. Smith, Jr.	George W. Smith, Jr.
1900	Roll	Page 178	George W. Smith, Jr.	George W. Smith, Jr.	George W. Smith, Jr.
1900	Roll	Page 179	George W. Smith, Jr.	George W. Smith, Jr.	George W. Smith, Jr.

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APPLICANT ROUTINE.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLAHASSEE, F.L., NOVEMBER 27th, 1900.**

IN THE MATTER OF THE APPLICATION OF Margaret Parris for the enrollment of herself and child as citizens of the Cherokee Nation, and said Parris being sworn and examined by Commissioner, Needles, testified as follows:

- Q What is your name? A Margaret Parris.
Q How old are you? A Forty five.
Q Have you any middle names? A No sir.
Q What is your Postoffice address? A Silas Springs.
Q What district do you live in? A Spring Branch.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Marriage.
Q What is your husband's name? A George Parris.
Q Is he living? A Yes sir.
Q Why is he not here himself? A We are not living together.
Q Who do you want to enroll? A I have got a baby here.
Q Yourself and baby? A Yes sir.
Q Have you any marriage certificate? A Yes sir.

Com'r: Applicant presents a certificate of marriage, certifying that she was married to one, George Parris, under her maiden name of Margaret Oakle, on the fourteenth day of February, 1895, according to the laws of the United States.

- Q What is the name of your child? A Wilburn.
Q How old is he? A Four years old the fifth of last January.
Q How long have you been living in the Cherokee Nation?
A About fifteen years.
Q You say you are not living with your husband? A No sir.
Q How long since you have been living with him? A About four years.
Q Have you ever been divorced from him? A No sir.
Q Have you ever married since? A No sir.
Q You say you were never divorced from him? A No sir.
Q Your husband's name is George Parris: What was the cause of your separation? A He did not try to provide for me.
Q Did you leave him? A He told me if I went down to my father's, I need not come back any more, and he went off, and I went home.

Interrogatories by W. W. Hastings, Cherokee Representative

- Q You lived right near him, didn't you? A Yes sir.
Q About how far? A About six or seven miles.
Q But when you separated, how far did you live from him?
A About two hundred yards.
Q And you went off down there? A Yes sir.
Q And you refused to come back and live with him? A Yes sir.
Q And he went down there and took a witness with him, and tried to persuade you to come back? A No sir.
Q Don't you know that he brought suit in this court here for divorce? A Yes sir, but they said he did not get it.
Q And you did not appear? A No sir.
Q Do you know what he alleged in that suit? A No sir.
Q How long did you live within two hundred yards of him, of George, after you separated from him? A We lived there about; we lived there from in May until in the Fall, about four or five months.
Q Did you see him in the mean time? A Yes sir.
Q Did you go down to his house? A No sir.
Q Did he come to see you? A He came to see the child.
Q Who has had the custody of the child since the separation?
A Father.
Q All the time? A Yes sir.
Q Do you know whether the court gave it to you or to him?

Q Gave it to me.
 A How do you know it? A He signed his right name down here before the lawyers. He gave the child to me and he did not sign or before him in court.

(1880 Roll, Page 459, #1283, George Parris, G. Snake District)
 (1896 Roll, Page 826, #146, Margaret Parris, G. Snake Dist)
 (1896 Roll, Page 776, #1561, Wilbern Parris, G. Snake Dist)

Q This child is alive and living with you at this time, is it?
 A Yes sir.

Commissioner Needles:- The name of Margaret Parris is found upon the census roll of 1896, and she presents satisfactory proof of marriage, which is filed herewith, certifying that she was married to one, George Parris, a Cherokee citizen by blood, in the month of February, 1895; her maiden name being Margaret Eagle, and the name of said George Parris is found upon the authenticated roll of 1896.

She avers that she has one child of said marriage, Wilbern, four years of age, whose name does not appear upon the census roll of 1896. The testimony shows that there has been a separation between said George Parris and said applicant, and they are not living together now.

In view of the same, final judgment as to the enrollment of said Margaret Parris, as a Cherokee citizen by intermarriage, will be suspended and her name will be placed upon a doubtful card.

Said child, Wilbern Parris, being duly identified, and having made satisfactory proof as to his residence being made, he will be duly listed for enrollment as a Cherokee citizen by blood.

J. O. Rosson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November, 1900.

J. O. Rosson

M. D. [Signature]

COMMISSIONER.

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[Faint vertical text or markings]

2 June 1900

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Washington, D. C., November 27th, 1900.

In the matter of the application of Margaret Parry filed this day, D-Case 387, the representatives of the Cherokee Nation came and presented a charge of divorce and the testimony and report of the Master in Chancery as to the case of George Parry vs Margaret Parry in the District Court at Tahlequah, September term 1900, No. 125. The complaint in the case, which was verified and sworn to by the defendant, Margaret Parry, did demand the plaintiff, George Parry, and recognized a charge of divorce as granted in the District Court, George Parry, upon that ground, and the decree of a divorce between May 1900, signed by James E. Hill, Judge, Cherokee County, Indian Territory, granting the plaintiff, George Parry, a divorce from Margaret Parry, defendant, on the ground of abandonment. The Commission is of the opinion that the application of the said Margaret Parry for her own annulment should be refused.

H. E. Rothenshager, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings and testimony in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

E. G. Rothenshager

Subscribed and sworn to before me this 27th day of November, 1900.

M. D. Green
Commissioner

Supl.-C.D.#863.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MARGARET PARRIS
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any further testimony affecting her application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rosson, being do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAYENFORD

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 861.

VINITA, IND. TER.

1902

Muskogee, I. T., March 12, 1902.

Mr. William Quarrels,
Baptist, I. T.

Dear Sir:

Enclosed herewith find a subpoena, which please have served on Lizzie Reed, who gets her mail at Baptist, I. T., and who was the wife of Henry C. Reed. We want her here as a witness before the Dawes Commission on March 19th, 1902. Please serve this at once or have it attended to, by delivering to her one copy and return the original copy to us, with your bill for the same, and we will be pleased to remit promptly. Tell Mrs. Reed to be sure and come over here on the 19th, as we can not hold this case off any longer.

Yours truly,

922

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Parris, for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 27, 1900, Margaret Parris appeared before the Commission at Tahlequah, Indian Territory, and made application for her enrollment as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her child, Wilburn Parris, as a citizen by blood of the Cherokee Nation. Wilburn Parris has been differently classified and is not embraced in this decision.

The evidence shows that the said Margaret Parris was married on February 14, 1895, to George Parris, a citizen by blood of the Cherokee Nation. The said Margaret Parris is identified on the Cherokee Census roll of 1896. It appears that she lived with her said husband about a year following their marriage; that they then separated, and that on October 26, 1900, the said George Parris obtained a divorce from the applicant on the ground of abandonment.

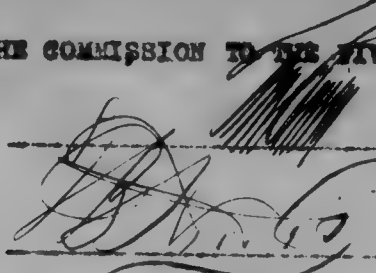
Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667, of the Compiled Laws of the Cherokee Nation (1892) is as follows:

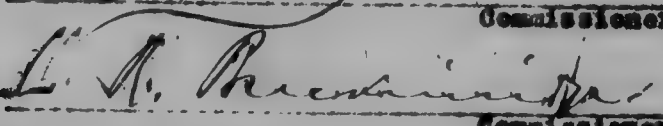
"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It is, therefore, the opinion of this Commission that Margaret Parris abandoned her husband within the meaning of the Cherokee law above quoted, and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Commissioner.

Dated at Muskogee, I. T.

this _____ 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NERDERS,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cherokee D 863.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Margaret Parris for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 125.

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 863.

ALLISON I. AVLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

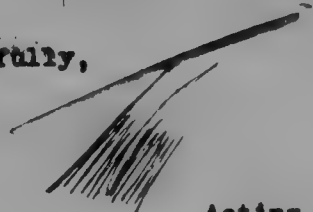
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Margaret Parris for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,



Acting Chairman.

Decision
IN THE MATTER OF THE APPLICATION OF

Margaret Davis

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 11/27/00.

A Memo. of Application of 11/27/00.

A Supplementary testimony of 11/27/00.

A Certificate of marriage.

A Notice of final consideration, 3/11/02.

Order closing testimony 7/11/02


Transferred to R-701

See Cherokee Jacket 5698

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 28 1900

ACTING CHAIRMAN

Department of the Interior.
Commissioner of the Five Civilized Tribes
Tulsa, Ok., November 27, 1900.

In the matter of the application of Nannie Carver for the enrollment of herself and two children as Cherokee citizens; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nannie Carver.
Q How old are you? A 28 years old.
Q What is your postoffice address? A Barnett.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A Myself and two children.
Q Your husband living? A Yes sir.
Applicant presents a certificate of marriage certifying that Frank Carver and Nannie Murray of Muskogee were married on the 26th day of May, 1890.
Q What are the names of your children? A Joanna.
Q How old? A 12 years old.
Q Next child? A Frank.
Q How old? A 9 years old.
Q You just apply for yourself and two children? A Yes sir.
Q What is your father's name? A Jim Murray.
Q He living? A No sir.
Q What is your mother's name? A Nannie
Q She living? A Yes sir.
Q Were they Cherokee citizens by blood? A My mother is.

By W. W. Hastings, representative of the Cherokee Nation-

- Q Where were you born? A I don't know; I think in the Cherokee Nation.
Q Where were you living when you were old enough to remember? A I lived in Gibson I think.
Q When did you leave Fort Gibson; how old were you? A I was a child.
Q Where did you go to? A Over to Muskogee.
Q How long have you been living in Muskogee? A I couldn't tell you just how long; lived there some time.
Q Living there when you were married? A Yes sir.
Q Living there ever since? A No sir, living down in the country.
Q Canadian district? A Yes sir.

Commissioner-

- Q Did you draw your strip money in 1894? A Yes sir, been drawing all the time.
1896 roll; page 16, #449, Nannie Carver, Canadian dist.
16, #450, Joannah Carver,
16, #451, Frank Carver, Jr.
Q Your husband's not dead is he? A No sir.
Q Are you applying for him? A No sir.
Q He's in prison? A Yes sir.
1894 roll; page 18, #417, Nannie Carver, Canadian dist.
18, #418, Frank Carver,
Q Have you any proof of your citizenship besides what appears upon the rolls here? A I got signers.
Q What do you mean by the signers? A Signers on married certificate.
Q Your husband's a white man? A Yes sir.

Commissioner Needles-

The name of Nannie Carver appears upon the Census roll of 1896 as well as the pay roll of 1894. The names of her two children, Joanna and Frank, also appear upon the Census roll of 1896 and pay roll of 1894. The name of said applicant, Nannie Carver, does not appear upon the enrollment roll of 1880; neither does the name


W. F. WOODWARD, JR., being duly sworn, depose that at Washington he was employed by the First Civilized Team; he reported correctly the testimony and proceedings in the above cases, and that the foregoing is a full, true and complete transcript of his photographic notes in said case.

- 7 -

Subscribed and sworn to before me this 27th day of October, 1900.

CONCLUSIONS

864

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 28 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 27, 1900.

In the matter of the enrollment of Nannie Carver, and also of Nannie Murray as Cherokee citizens; Nannie Murray being sworn and examined by Commissioner Woodall testified as follows:

Q What is your name? A Nannie Murray.
Q How old are you? A About 40.
Q What is your post-office address? A Bennett.
Q You have applied for enrollment, haven't you, to the Commission? A Yes sir, I applied at Ft. Gibson.
Q Your name was placed on a doubtful card wasn't it? A Yes sir.
Q Now what have you to say now as to your citizenship and that of your daughter? Nannie Carver? A They sent for me to come up here and you would look into it.
Q Your name nor the name of your daughter Nannie Carver is on the 1880 roll either one of you, and there is no evidence introduced to show that you are entitled to Cherokee citizenship; now if you have any evidence to show that you are entitled to citizenship you can produce it? A There is Mr. Woodall, a relative of mine.

WILLIAM C. WOODALL, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A William C. Woodall.
Q What is your age? A 65.
Q What is your post-office address? A Viola.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q Do you know Nannie Murray? A Yes sir.
Q What do you know in regard to her being entitled to Cherokee citizenship? A What I know about it is what I have heard among the folks; I had an uncle named Willermore, - I think his first name was Moore and his Cherokee name was Killer, and his children always went by the name of Willermore; he was a full-blood; he was my uncle; he had a daughter named Jane; she married - I wasn't very well acquainted but from what I have understood from the family she married a man named O'Wiley, and this lady here is a daughter of O'Wiley.
Q This woman Nannie Murray? A Yes sir.
Q When was it she married Wiley? A I couldn't tell you.
Q Where was it? A I don't know.
Q Was it in Georgia or in the Indian Territory? A It was in the Territory.
Q Was Wiley a Cherokee citizen by blood? A I don't think he was Nannie Murray. No sir, he was an adopted citizen.
Q This Nannie Murray's mother was a Cherokee citizen by blood? A Yes sir.
Q Lived here in the Cherokee Nation? A Yes sir.
Q By N.W. Hastings, Cherokee Rep'te;
Q Are you personally acquainted with this woman's mother, Nannie Murray's mother? A I used to be.
Q How long ago? A 51 and upwards.
Q What became of them then? A They all died I think.
Q Do you know where this woman was born? A No I do not.
Q You don't know where she has been living? A They lived down here on Fourteen Mile Creek and I was raised upon Honey Creek, I was acquainted with the family, and saw them once in a while, but most I knew about them was what I heard from my mother and my relations.
Q From family history? A Yes sir.
Q When was the first time you ever saw this woman? A I saw her about five years ago.
Q Where was she? A At Muskogee; she came to file a claim.

Q You witnessed for her. A No I didn't witness for her.

HANNIE MURRAY RECALLED:

Com'r Needles:

Q You were before the Dames Commission four years ago were you?

A No sir, I went to file a claim for Settlers' money.

Q Who before? A Mrs. Keys.

By Hastings:

Q You didn't apply then to the Dames Commission? A No sir.

Q Where were you born? A 14 mile creek, Cherokee Nation.

Q How old are you? A I am about 40.

Q How long have you lived on 14 mile creek? A I lived there until I was grown.

Q Until you were about 18 or 20 years old? A Yes sir.

Q Where were you married? A Ft. Gibson.

Q Who were some of your neighbors there on 14 mile creek?

A The Spears's.

Q Who do you know at Ft. Gibson? A All the old red centers I guess they are gone now, there was Frenchie Miller and his wife, and Mrs. Katie Daniels and her husband, I went to school to her.

Q When did you move to Muskogee? A I moved to Muskogee about 10 years ago I guess.

Q Where from? A Ft. Gibson.

Q You lived at Ft. Gibson up until 10 years ago? A No sir,

but I moved from Ft. Gibson to Muskogee and then down to Canadian.

Q You mean to say that you were born in the Cherokee Nation and you ~~have~~ never lived out except in Muskogee?

A No sir, I ~~know~~ never lived out, I travelled a right smart.

Q Where have you travelled? A In Colorado.

Q How long were you in Colorado? A About three months I guess.

Q Any other place? A In Wyoming.

Q How long? A About three months I guess.

Q Is your husband dead? A Yes sir.

Q Where did he die? A He died in Washington.

Q State of Washington? A He died in the State of Washington.

Q Were you there with him? A No sir.

By Com'r Needles:

Q You know why your name is not on the 130 rolls? A No sir, I guess it was just neglected and wasn't put on, I guess I was neglected.

By Hastings:

Q What did you say your mother's name was? A Jane Killmoore.

WITNESS WILLIAM C. WOODALL RECALLED:

Q Her mother was your aunt? A No sir, Killmoore was my uncle, and this Jane was his daughter.

Q Who did Killmoore marry? A I don't know.

Q You didn't know her mother then? A She was a white woman I think.

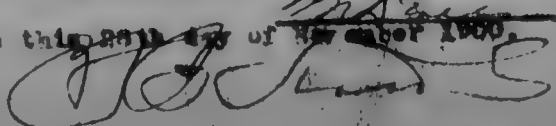
Applicant Hattie Murray: Grand-pa's wife was a white woman.

Com'r Needles, to Hannie Murray:

Q Your mother's name was Riley? A O'Riley.

W.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of November 1900.



Commissioner.

Supl.-C.D.#364.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of **MANMIE CARVER,**
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony ~~in~~ affecting her application. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney her case is considered completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee representative, present.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

In the matter of the application of Mamie Murray, for the enrollment of herself, and her children Malcomb and John Murray, as citizens by blood of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:

Cherokee Nation represented by J. C. Starr;
Applicants appear by Lizzie Carver.

JOSUAH BOSS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joshua Boss.
Q What is your age? A Sixty-nine.
Q What is your post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, Mamie Murray? A Yes sir.
Q How long have you known her? A I have known her at least about thirty years. I think she has been here about that length of time.
Q Do you know her children? A Yes sir.
Q Can you name them? A One is, this young lady there is Mary.
Q Mary E. Weddle? A Yes sir. The other is Lizzie.
Q Is her name Lizzie Carver at this time? A Yes sir. And Jim Finnigan, her brother.
Q Did she have a boy named James? A Yes sir.
Q Do you know whether or not all her children were born here in the Cherokee Nation? A I think they were, yes sir, that's my impression.
Q What is the citizenship of Mamie Murray? A She's a Cherokee.
Q Do you know whether or not she ever left the Cherokee Nation? A No, I do not.
Q Do you know where she was living when the roll of 1880 was made? A I expect she was living here at Muskogee.
Q Do you know why her name isn't on the roll of 1880? A No sir, I do not unless she was living here and didn't get over. Like they left me off; I went over in the district and they promised to put me down and didn't do it—the census taker.
Q Have you ever heard her right as a Cherokee disputed? A No sir.
Q Has she been continuously a resident of the Indian Territory since you have known her? A Yes sir.
Q Have you known her continuously? A Yes sir.
Q Did you know her husband? A In a general way.
Q Have her children all resided here continuously? A Yes sir.

WILLIAM MOTT, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A William Mott.
Q How old are you? A Fifty-nine.
Q Where do you reside? A Two miles east of town here.
Q Is Muskogee your post office? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Do you know the applicant in this case, Mamie Murray? A Yes sir.

Q How long have you known her ?
 A Ever since she was a child, I guess.
 Q Where was she living when you first knew her ?
 A On three mile creek.
 Q In the Cherokee Nation ? A Yes sir.
 Q Do you know whether or not she ever left the Cherokee Nation ?
 A Yes sir, she was married to a soldier, and he was ordered away, and she went with him.
 Q Was that her husband, Murray ? A Yes sir.
 Q Do you know where her children were born ?
 A Some of them at Fort Gibson, I think.
 Q Which ones, do you know ? A No sir.
 Q Do you know about when it was that she left the Nation with her husband ? A No sir, I don't remember that.
 Q Was it prior or subsequent to 1880 ?
 A I don't remember, but I think it was before 1880.
 Q Do you know when she came back ? A No sir.
 Q Have you any idea ?
 A No sir, I don't know, don't have any idea.
 Q Did you ever hear of her right to enrollment as a Cherokee, or the rights of her children to enrollment as Cherokees, being disputed ? A No sir.
 Q Were her parents Cherokees ? A Yes sir.
 Q Both of them ? A No.
 Q Was her mother the Cherokee ? A Yes sir, her mother was a Cherokee.
 Q Had her mother always resided here up to the time she died ?
 A I guess she had; so far as I know she did.

LIZIE CARVER, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Lizzie Carver.
 Q What is your age and post office address ?
 A I will soon be thirty-two, and my post office is Muskogee.
 Q Are you a daughter of Maggie Murray ? A Yes sir.
 Q Where is your mother living at this time ?
 A She is living here in town--in Muskogee.
 Q Where were you born ? A I was born in Fort Gibson.
 Q Where was your sister Mary B. Weddle born ?
 A She was born in Dakota.
 Q Where was your brother James born ? A In Dakota.
 Q Where was Malcomb born ? A In Colorado.
 Q Where was John born ? A In Colorado.
 Q When did your mother leave the Cherokee Nation ?
 A Sometime, I think, between 1873 and 1874, I wouldn't be sure.
 Q You were taken with her when she left ? A Yes sir.
 Q Well, where did she go to at that time ?
 A I can't tell you, out towards where Oklahoma is now, I think.
 Q What was your father's occupation ? A He was a soldier.
 Q Was your mother married to him while he was stationed at Fort Gibson ? A Yes sir.
 Q And she accompanied him when his troop was removed ?
 A Yes sir.
 Q How long was it before your mother again came back to the Cherokee Nation ?
 A I think she came back in the winter of 1880.
 Q Did all these children that I named a while ago return with her at that time ? A Yes sir.
 Q Did you all come back together ? A Yes sir.
 Q Are all of you now residents of the Indian Territory ?
 A Yes sir.

- Q Have you been residing continuously since the winter of 1880 ?
A Yes sir.
Q Now either of you, your mother, or your brothers and sisters, ever lived outside the Indian Territory since that time ?
A No sir, not that I know of.
Q Have you all been recognized as citizens of the Cherokee Nation since you came back here in the winter of 1880 ? A Yes sir.
Q Had your mother always been recognized as a citizen prior to her departure in the connection with your father ? A Yes sir.
Q Your father is dead ? A Yes sir.
Q When did he die ? A In 1882, I believe.
Q After your return to the Nation ? A Yes sir.
Q You were the only child born prior to the time your mother left the Nation ? A Yes sir.
Q The others were all born outside the Indian Territory ?
A Yes sir.
Q There was your sister, who is now known as Annie Carter, born ?
A In Dakota.
Q Did she return at the same time you all came back ?
A Yes sir.
Q About how old is she now ? A Twenty-three.
Q Has she been residing here continuously since that time ?
A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case at bar, being that of Annie Murray, D 162; in the case of James Murray, D 151; in the case of Annie Carter, D 153; in the case of Mary E. Wadkins, D 156; and in the case of Annie Carter, D 244;

N. G. Bagwell, an oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. Bagwell

Subscribed and sworn to before me this August 12, 1902.

[Signature]
Notary Public.

864
IN THE MATTER OF THE APPLICATION OF

Samuel Danner & all

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of "12/27/00.

B Memo. of application of "12/27/00.

C Supplementary testimony of "12/27/00.

D Marriage certificate.

E Notice of final consideration, 3/11/02.

F Order during testimony 3/11/02.

G All in all



Cher D 865

Cher D 865

A. The information I got in reference to him being away from the country has been more about a month before he made application for enrollment, in the neighborhood of Vinita, and he left that neighborhood last December.

Q. He stayed there a year, or was it the same because that he left?

A. It must have been the same December.

Q. He must have left December a year ago, or was it in December of 1900 that he applied.

A. He certainly left shortly after he applied, after he came back to Vinita. The information I got was that he remained there about a month and left last December.

Q. Do you know this man personally?

A. I did know him twelve or thirteen years ago, but if I saw him when he was here I did not recognize him. He had been away from the country for twelve or thirteen years.

Q. Did you know him when he lived in this country before?

A. Yes sir.

Q. Did he have a wife at that time?

A. He had been living with a woman as his wife. My information was that they had been separated a year or so before he left the country.

Q. What became of her? A. She afterwards died.

Q. Before or after he left? A. After he left, I believe.

Q. Did you make any inquiry as to whether this applicant was at Big Cabin? A. Yes sir.

Q. How far is Big Cabin from Vinita? A. You mean from the Creek?

Q. I mean the Creek? A. Yes, two miles or two and a half.

Q. What was the result of your investigation with reference to his farm? A. He has none. This is the information I obtained.

Q. Were you requested by any representative of the Cherokee Nation to make this investigation? A. Yes sir, I was.

Q. For the purpose of making a statement as to its truth?

A. Yes sir, that is what made the investigation for.

31. COMMISSIONER: You have known this man for a long time.

A. Yes sir, I have not known him, I did not recognize him if I saw him.

Q. You don't know whether he left the Cherokee Nation?

A. The informant I got was that he had left the Cherokee Nation.

Q. Do you know where he went to?

A. Some said he went to California, and some said he was in the Choctaw Nation. I inquired for the post office address, but no one was able to give it.

Q. No one knows where he is. He may be in the Indian Territory, but no one knows. A. No one knows.

Q. He has no farm in Big Cabin, in the vicinity of Vinita?

A. I could hear of none.

Q. How long is Big Cabin Creek? A. It heads in the State of Kansas, and empties into the Grand River about five miles from Vinita.

Q. You don't know whether he has a farm anywhere along the Creek?

A. No sir, I only made inquiries in the neighborhood of where he lived twelve or thirteen years ago.

The applicant having, this date, to-wit: the 13th day of March, 1902, been called, and failing to respond, either in person or by attorney, it is deemed that the same is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

R.

G. B-943.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of John L. G. Fields for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 13th day of March, 1902, and that on said date he might, if he desired, appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified that the representative of the Cherokee Nation would also on said date be afforded an opportunity to introduce any testimony tending to disprove his right to enrollment as a Cherokee citizen, but that said representative would first be required to notify him of his intention of so doing. Receipt has not been acknowledged of the Commission's letter.

W. DANIEL, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A. W. Daniel.

Q. What is your age? A. Fifty-seven.

Q. Where do you live? A. Vinita, Indian Territory.

Q. How long has Vinita been your postoffice? A. Since 1877.

Q. Are you well acquainted in and about Vinita? A. Yes sir.

Q. I will ask you whether or not notice was sent you to be served upon this applicant, Fields, by the representative of the Cherokee Nation. A. Yes sir.

Q. Did you make any inquiry around about the town of Vinita for this applicant? A. Yes sir.

Q. Did you find him? A. No sir.

Comes now the representative of the Cherokee Nation, and moves the Commission to be permitted to introduce testimony as to the residence of this applicant, and it having been shown that notice could not be had upon him by the witness upon the stand.

BY COMMISSION: In view of the fact stated the testimony will be received.

MR. HASTINGS: Mr. Daniels, have you made any inquiry as to whether or not this applicant, Fields, lives in or around the town of Vinita? A. Yes sir.

Q. Does he? A. The information that I got is that he does not.

Q. What is your information as to where he lives? A. At this time?

Q. Yes. A. The information I got, I could not find his post office. They said he had went West in December last.

Q. It is your information that he does not live in this country? A. Yes sir, it is.

Q. He appeared before the Commission in December 1900, last December, a year ago, how long did he remain here when he came, if you know?

A. The information I got in reference to his being here, he had been here about a month before he made application for enrollment, in the neighborhood of Vinita, and he left that neighborhood last December.

Q. He stayed there a year, or was it the same December that he left?

A. It must have been the same December.

Q. He must have left December a year ago, it was in December of 1900 that he applied.

A. He certainly left shortly after he applied, after he came back to Vinita. The information I got was that he remained there about a month and left last December.

Q. Do you know this man personally?

A. I did know him twelve or thirteen years ago, but if I saw him when he was here I did not recognize him. He has been away from the country for twelve or thirteen years.

Q. Did you know him when he lived in this country before?

A. Yes sir.

Q. Did he have a wife at that time?

A. He had been living with a woman as his wife. My information was that they had been separated a year or so before he left the country.

Q. What became of her? A. She afterwards died.

Q. Before or after he left? A. After he left, I believe.

Q. Did you make any inquiry as to whether this applicant was at Big Cabin? A. Yes sir.

Q. How far is Big Cabin from Vinita? A. You mean from the Creek?

Q. I mean the Creek? A. About two miles or two and a half.

Q. What was the result of your investigation with reference to his farm? A. He has none, is the information I obtained.

Q. Were you requested by the representative of the Cherokee Nation to make this investigation? A. Yes sir, I was.

Q. For the purpose of making a statement as to its truth?

A. Yes sir, that is what I made the investigation for.

BY COMMISSION: You have known this man for twelve years?

A. No sir, I have not known him, I did not recognize him if I saw him.

Q. You don't know whether he left the Cherokee Nation?

A. The information I got was that he had left the Cherokee Nation.

Q. Do you know where he went to?

A. Some said he went to California, and some said he was in the Chehaw Nation. I inquired for the post office address, but no one was able to give it.

Q. No one knows where he is. He may be in the Indian Territory, but no one knows. A. No one knows.

Q. He has no farm in Big Cabin, in the vicinity of Vinita?

A. I could hear of none.

Q. How long is Big Cabin Creek? A. It heads in the State of Kansas, and empties into the Grand River about five miles from Vinita.

Q. You don't know whether he has a farm anywhere along the Creek?

A. No sir, I only made inquiries in the neighborhood of where he lived twelve or thirteen years ago.

The applicant having this date, to-wit: the 13th day of March, 1902, been called, and failing to respond, either in person or by attorney, it is deemed that this case is completed, and same will be reported to the commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Noah Langley for the enrollment of himself and his two minor children Lula and Leona Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 28, 1900, Noah Langley appeared before the Commission at Tahlequah, Indian Territory and made personal application for the enrollment of himself and his minor children Lula and Leona Langley as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Lizzie H. Langley as a citizen by intermarriage of the Cherokee Nation.

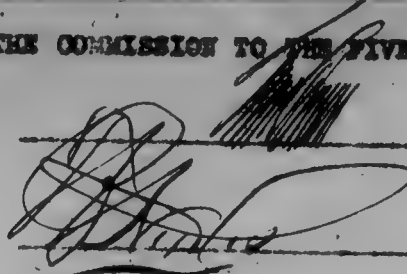
The evidence shows that said Noah Langley is identified on the authenticated tribal roll of 1880, and the Cherokee Census roll of 1896. The evidence further shows that he left the Cherokee Nation in 1887 and has not returned thereto. He married his said wife Lizzie H. in New Mexico and she and the above named children are now residing with the principal applicant in Arizona. Lizzie H., Lula, and Leona Langley have never resided in the Cherokee Nation or in the Indian Territory. Lula Langley is identified on the Cherokee Census roll of 1896, and Leona Langley is identified by a birth affidavit on file with this Commission.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Noah Langley, Lula Langley and Leona Langley as citizen by blood of the Cherokee Nation, and for the enrollment of Lizzie H. Langley as a citizen by intermarriage, of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.
Commissioner.
Commissioner.

Dated at Muskogee, I. T.

this

JUL 29 1902

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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list includes names such as "Mr. J. H. Smith", "Mr. W. H. Jones", and "Mr. R. H. Brown".

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James M. McKim

Cherokee E 702.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOKOGON, I. T., JULY 26, 1904.

SUPPLEMENTAL MEMORANDUMS had in the matter of the application for the enrollment of NOAH LANGLEY, JR AL., as citizens by blood of the Cherokee Nation.

It appears that on June 25, 1904, the principal applicant, his attorney and the attorney for the Cherokee nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 15, 1904, and then and there introduce further testimony touching the points mentioned in said letter. This case was continued from July 15, to July 26, 1904, and is by agreement taken up on this day.

APPEARANCES:

Applicants by attorney, J. K. Lefay.

Cherokee nation by its attorney, J. C. Starr.

CHARLEY LANGLEY, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Charley Langley.
Q How old are you? A 27.
Q What is your postoffice address? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Noah Langley? A Yes, sir.
Q Is he living now? A No, sir.
Q When did he die? A In August.
Q Last August? A Yes, sir, August, 1903.
Q What relation was he to you, if any? A Brother.
Q Has he any family? A Yes, sir.
Q How many children? A Five.
Q What are their names? A His first wife has got three; Alex, John and Maggie; by his second wife, Lula and Leona.
Q The children by his first wife are all of age and have applied for themselves? A No, sir, none of them of age; they are all on, though.
Q How old is Lula Langley? A Eight, I believe.
Q How old is Leona? A I suppose about six.
Q What is the name of their mother? A Lizzie.
Q A white woman, is she? A Yes, sir.
Q Where was your brother living at the time of his death? A He had started back here to live and died on the train this side of McAlester, from the best we could learn, he started back to the Cherokee Nation to live.
Q Was he coming back with his family? A His family wasn't with him, but they were coming.
Q Where was your brother born? A Right there this side of Fort Smith, on the river.
Q In the Cherokee Nation? A Yes, sir.
Q When did he first move out of the Cherokee Nation? A I couldn't say; been about 14 or 15 years, I suppose.
Q Where did he go to? A From here to the Chickasaw Nation and from there to Texas and New Mexico and Arizona.

Q There has he ever lived in the Cherokee Nation since that time?
 A Yes, sir, he came back about seven years ago, I think, and lived here one winter, and then went away from here to Colorado and from Colorado back to Arizona.
 Q And is that the last time he ever lived in the Cherokee Nation?
 A Yes, sir.
 Q During those 16 years that he had been out did he own any property or improvements of any kind in the Cherokee Nation? A Yes, sir, he owned a place in Canadian district.
 Q When did he first acquire that place? A He located the place, himself, and made it.
 Q When was that? A I couldn't say.
 Q About how many years ago? A I judge it has been about 16 years ago.
 Q How long did he continue to own that place? A He never did sell it at all.
 Q It still belongs to his heirs? A I don't know who it belongs to now.
 Q Have they got possession of the improvements? A No, sir.
 Q How long since he or his heirs have had possession of that place? A I couldn't say positively.
 Q About how long? A I suppose about 16 or 17 years.
 Q Has it been 16 or 17 years since he had possession of and owned any improvements on the public domain of the Cherokee Nation?
 A Yes, sir, I guess it has.
 Q Has he had any property of any kind in the Cherokee Nation during these 16 years? A No, sir, nothing only a barber outfit.
 Q Where was that located? A He never did put it in shape; he just had that shipped in and stayed during the winter and never did do any good and went from here to Colorado; I don't think he ever unpacked it.
 Q These children and his wife have lived with him at different places where he has lived during the passed several years? A Yes, sir, moved here with him, went to Colorado with him and went back to Arizona.
 Q Did your brother draw the strip money in 1894? A Yes, sir, mother did for him.
 Q Did he draw for these children, also? A I would not be positive, but I think he drew for the eldest one, Lula.
 Q Do you know what district they were registered in at that time?
 A Coowesscoowee.

By Mr. LaHay:

Q What district have you people lived in for the passed 10 or 12 years? A Coowesscoowee.
 Q Were you acquainted with Noah Langley when he left the Cherokee Nation? A Yes, sir.
 Q Why did he leave? A He got in a killing scrape down here in Canadian.
 Q He left the Cherokee Nation at that time? A After he got out of the Tahlequah jail.
 Q Have you seen him, or have you been acquainted with his residence after he left the Cherokee Nation after he got out of trouble up to the time of his death? A Yes, sir.
 Q Where did he live of your own personal knowledge? A He lived in Willcox, Arizona, Pearce, Arizona, Lamar, Colorado, and Glasgow, Arizona.
 Q Were you ever with him at any of these places? A Yes, sir, all of them.
 Q Do you know whether or not Noah Langley took up his permanent abode in that country, or claimed the Cherokee Nation as his home?
 A He always claimed the Cherokee Nation as his home.

Q I believe you stated he was your brother? A Yes, sir.
 Q Did he ever make any statement to you in regard to coming back to the Cherokee Nation and making his home? A Yes, sir, he said when he got out of trouble he was coming back, said he didn't like that country, and never did. I got a letter from him about ten days before he came back and said that I could rent a shop for him in Marietta, if I could, said he was coming back here to live.
 Q I believe you stated that your brother died on the train somewhere about Smith Mountain? A Yes, sir.
 Q Do you know whether or not he shipped his household goods and made arrangements for the removal of his family at that time? A Yes, sir, his household goods came.
 Q Do you know whether or not, during your acquaintance with him in New Mexico and Arizona, he had acquired a permanent home out there, owned any property or exercised any rights of citizenship under the government of New Mexico or Arizona, Colorado or Texas, wherever you know him outside of the Indian Territory, or outside of the Cherokee Nation? A Never did; he always rented his house and shop both out there; never owned any property at all that I knew of, never did own a horse nor nothing.
 Q How long did you stay out in that country? A I have been out there off and on for the last eight years, and I came here to enroll; I went back with him; I started to the Cherokee Nation-----
 Q Did you and Noah Langley come to the Cherokee Nation for the purpose of enrolling together? A No, sir, he came to enroll the day I started back, but I hadn't been out there for about six months--nine months before he came.
 Q Do you know why Noah Langley didn't remain in the Cherokee Nation and exercise his rights of citizenship? A He was in trouble.
 Q You may state the trouble? A He got in trouble down here at Canadian, and he killed Tom Monroe and Allen Monroe, his son.
 Q After the killing did he leave the Cherokee Nation? A Yes, sir.
 Q After the trouble that you speak of your brother getting into did he own any property in the Cherokee Nation? A Yes, sir.

By Mr. Starr:

Q What became of the property he owned in the Cherokee Nation at the time of this killing? A My father disposed of it.
 Q Did he dispose of it right away after your brother left? A No, sir, my brother never did know anything about it at all; it was a good while after that.
 Q What did Noah Langley do while he was in Arizona, New Mexico and Colorado? A Barbered.
 Q Was a barber shop in those places? A Yes, sir.
 Q It is possible that he could have exercised rights of citizenship in these countries and you not have known anything about it? A I suppose he could, but I never did hear anything about it.
 Q When was it you received this letter that you spoke about of about him requesting you to rent a shop for him? A The last of July or the first of August.
 Q Last year? A Yes, sir.

By the Commission:

Q Do you know whether your brother is on the 1890 roll of the Cherokee Nation? A I suppose he is; I never heard of his being off the roll.
 Q Do you know whether he drew money that year? A Yes, sir, he did.
 Q Was he married then? A Yes, sir.
 Q What district did he live in? A I suppose he lived in Arizona; I would not be sure where he did live.
 Q But you think he drew that money in 1890? A Yes, sir.

Q Did he have any family at that time that would have grown with him? A He has got three children here at Clarksville, and lives with me; I think he is 18, now.

Q What are the names of the children? A Julia and Leona.

Q Their mother is now dead? Where were they married?

Q What is her given name? A Leona.

Q Where are these two children, Julia and Leona, now? A Alma, New Mexico.

Q Where is their mother? A She is with them.

Q Are they living out there? A Yes, sir, with a sister-in-law.

Q Have they any home or place of their own out there? A No, sir, they were here for quite a while after brother died and she didn't think the children or she would get on the road and said she could not make no living here for them and would go back.

Q Do they at this time own any property of any kind in the Cherokee Nation? A No, sir.

By Mr. LaHay:

Q The wife of Noah Langley, Lissie, came out to the Cherokee Nation did she not, immediately after Noah Langley came and Noah Langley died on his way here, and his wife, Lissie, started immediately to this Cherokee Nation after his death? A Yes, sir.

Q Did she bring with her the two children, Leona and Julia? A Yes, sir.

By Mr. Starr:

Q How long did the children, Julia and Leona and their mother remain in the Cherokee Nation when they came the last time? A I believe it was September sometime, I think, my mother died about a month after, and she left in a short time.

Q How long did she remain here? A About a month or six weeks.

Q What became of them then? A Went to Alma, New Mexico.

Q And are living there now? A Yes, sir.

L. B. Bell, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A L. B. Bell.

Q How old are you? A 65 years old.

Q What is your postoffice address? A Vinita, Indian Territory.

By Mr. LaHay:

Q Were you acquainted with Locke Langley, who was a citizen of the Cherokee Nation and resided in Canadian district before the war?

A Yes, sir, I knew him before the war; I think he lived in Sequoyah district at that time.

Q Were you acquainted with his son, Noah Langley? A No, not very much; I have seen the boys there about his house, but I never got anything like acquainted with them.

Q You know that Locke Langley had a son named Noah Langley? There was a Noah Langley, said to be his son.

Q Do you know whether or not Noah Langley, son of Locke Langley, got into any trouble in a criminal way in Canadian district along about 15 or 16 years ago? A Yes,---I could say that to that, but I will tell you my connection with it---

Q If you have any information in regard to his getting into trouble please state it in detail as you remember it? A I don't know, it has been about 15 or 16 years ago, I guess, he was charged with having killed Tom Monroe and, I believe, his son. And I was applied to, on the part of a brother-in-law of his, to prosecute him for the murder. I accepted the service, attended court at Canadian district then, and when the case was called up he wasn't ready and the case

was put off, as I recollect, and whether it was called again and it was put off, or whether in the meantime he broke custody and left the country I can't recollect which, but it was one of the two. He left the country and I don't know how long he was gone.
Q. He was indicted by the Cherokee court? A. Yes, sir, as I understood it, we were going to trial in the Cherokee court.
Q. And you were employed to prosecute him? A. Yes, sir, for killing Tom Henres, who was a citizen of the Cherokee Nation.
Q. This was in the Cherokee court? A. Yes, sir, Canadian district. The circuit court of Canadian district was a court that tried recognized citizens of the Cherokee nation only for misdemeanors and felonies. Our laws didn't try anybody but citizens.

Mr. Laffey: The applicant desires to submit for the consideration of the Commission the following provision of the Constitution of the Cherokee Nation:

"That when any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, provided, nevertheless, that the National Council shall have the power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation on memorializing the National Council for such readmission...."

Also the following provision:
"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including Freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living, whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon...."

Commission: The applicants' attorney and the attorney for the Cherokee Nation state that they— that they have no further testimony to introduce in this case, and the same is now declared closed.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 23d day of August, 1904.

H. M. Vance
H. J. Martin Jr.
Notary Public.

COPY.

Cherokee (D 868)

R 702.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

u7m

In the matter of the application for the enrollment of
Noah Langley et al., as citizens by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, on November 28, 1900, Noah Langley appeared before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, and made application for the enrollment of himself and minor children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation. As the applicant, Lizzie H. Langley, has been differently classified, her rights to enrollment as a citizen by intermarriage of the Cherokee Nation will not be considered in this decision. Further proceedings in the matter of said application were had on March 10, 1902, at Muskogee, Indian Territory. The record further shows that on July 29, 1902, the Commission rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that on August 29, 1902 (Departmental letter I.T.D. 4975-02), said decision was duly affirmed by the Department; and that, thereafter, on March 25, 1904 (Departmental letter I.T.D. 7162-03), upon request of the Commission, this case was remanded by the Department for further testimony, and readjudication in accordance with present rulings, and that supplemental testimony in the matter of said application was taken on July 26, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as citizens by blood of the Cherokee Nation.

There is no dispute as to the facts in this case, which, as established by the evidence, are as follows:

(1) That all the applicants herein are Cherokees by blood; that the minor applicants are children of the principal applicant, and one Lizzie H. Langley, a non-citizen of the Cherokee Nation; that the principal applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896; and that the minor applicant, Lula Langley is identified on the Cherokee census roll of 1896, and the minor applicant Leona Langley, is identified by a birth affidavit filed herewith and made a part of the record herein.

(2) That the principal applicant was born in the Cherokee Nation about 1861, and continuously lived therein until about 1885 or 1886, when, for reasons that seemed sufficient to him, he removed from the Cherokee Nation, and, except one winter spent in said Nation, has since, up to and including September 1, 1902, continuously lived outside the limits of the Indian Territory, and that since his removal as above indicated, he has neither owned nor had control of any property situated in the Cherokee Nation; and that the minor applicants were born outside the limits of the Indian Territory, about the years 1895 and 1897, and up to and including September 1, 1902, had continuously lived with their parents since birth.

FINDINGS OF FACT, AND CONCLUSION: It is considered that, following the rulings of the Department in the cases of Clara A. Ward (I.T.D. 5878-04, 3096-05), and Valsie E. Vann et al. (I.T.D. 1504, 7486-05), the principal applicant herein expatriated himself from the Cherokee Nation, under Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

and that the minor applicants herein were born subsequent to their father's forfeiture of his Cherokee citizenship.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the application for the enrollment of Noah Langley, Lula Langley and Leona

Landley, an attorney for Chief of the Cherokee Nation, be seated,
under the provisions of Section 402 of the Act of Congress
approved June 22, 1902 (30 Stat., 496).

Witnessed: *Tame Bixby.*

Commissioner of the Five Civilized Tribes

Dated at Muskogee, Indian Territory,
this JAN 15 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applicant for the enrollment of
Lissie H. Langley as a citizen by intermarriage of the Cherokee
Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah,
Indian Territory, on November 25, 1900, application was received
by the Commission to the Five Civilized Tribes for the enrollment
of Lissie H. Langley as a citizen by intermarriage of the Cherokee
Nation. Further proceedings in the matter of said application
were had at Muskogee, Indian Territory, on March 10, 1902.

The record further shows that on July 29, 1902, the Com-
mission to the Five Civilized Tribes rendered its decision herein
denying said applicant's right to enrollment as a citizen by
intermarriage of the Cherokee Nation, and that on August 29, 1902,
(Departmental letter I.T.D. 4978-1902), said decision was duly
affirmed by the Department; and that, thereafter, on March 25,
1904, (Departmental letter I.T.D. 7162-1902), this case was re-
manded by the Department for further testimony and readjudication,
and that said supplemental testimony was taken on July 26, 1904,
at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant
herein, Lissie H. Langley, is a white woman, and neither claims
nor possesses any right to enrollment as a citizen of the Cherokee
Nation other than such right as she may have acquired by virtue of
her marriage, in 1894, to her husband, Noah Langley.

Noah Langley is identified on the Cherokee authenticated
tribal roll of 1880 and the Cherokee Census Roll of 1896 as a native
Cherokee. On January 15, 1906, the Commissioner to the Five
Civilized Tribes rendered his decision in this case, wherein it
was held that the said Noah Langley had forfeited his Cherokee
citizenship, and his application for enrollment as a citizen by
blood of the Cherokee Nation was accordingly denied. This de-
cision of the Commissioner was affirmed by the Department on
March 7, 1906 (Departmental letter I.T.D. 1928-1906).

In view of the foregoing it is considered that the applicant
herein did not marry a recognized citizen by blood of the Cherokee
Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance
with the decision of the Supreme Court of the United States, dated
November 5, 1906, in the cases of Daniel Red Bird et al vs the
United States, Nos. 125, 126, 127 and 128, the said applicant,
Lissie H. Langley, is not entitled, under the provisions of Section
21 of the Act of Congress approved June 28, 1898 (30 Stats., 295),
to enrollment as a citizen by intermarriage of the Cherokee Nation,
and her application for enrollment as such is accordingly denied.

SIGNED *Tams Bixby.*
Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 25 1907

OK, this ✓
Application
of
Noah Langley et al
for
Rehearing and
reopening of his
application for
enrollment as
a Cherokee citizen

Bessy T. L. Hay
Attys

Lawrence D.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES..

00000000000000000000

IN RE APPLICATION,

NOAH LANGLEY.

Enrollment for himself, and,

Iula Langley and Leola Langley: Cherokee D. 885.

his two minor children.

MOTION FOR REHEARING AND REVIEW.

Comes the applicant Noah Langley for himself and for Iula Langley and Leola Langley his two minor children, and moves the Honorable Secretary of the Interior, to reopen this case, and review the same, because his decision herein (date not known) is erroneous in this to-wit:-

1.

That he erred in holding that paragraph Nine (9) Section twenty one (21) of the Act of Congress approved June 28th* 1898 (30 stats., 495)

"No person shall be enrolled who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship"...

was applicable to claimants occupying the position of your petitioners.

11.

That he erred in not holding that the following provision of the constitution of the Cherokee Nation,

"That when any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, provided, nevertheless, that the National Council shall have the power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation or memorializing the National Council for such readmission"...

is the only provision of law whereby citizens of the Cherokee Nation by blood, as your applicants are, could possibly have lost their Cherokee citizenship.

111.

That he erred in not holding the following provision of the Act of June 28th* 1898:

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including Freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living, whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon"...

Mandatory upon the Commission to the Five Civilized Tribes, requiring them to enroll these applicants.

IV.

Because the decision of the Honorable Secretary of the Interior, erred in not enrolling Lula Langley and Leona Langley, as provided in the Act of June 28th¹⁸⁹⁸ as cited in the 3rdrd paragraph of this petition; they being descendants of Noah Langley one of the applicants herein whose name appears upon the authenticated roll of 1880. (See decision of the Secty of the Int'n case of ~~Miss~~ Alice Jane Ross et-al, Cherokee No. 54.)

Therefore, applicants pray that the decision herein be reopened and reversed, reversing the decision of the Commission to the Five Civilized Tribes, and commanding said Commission to enroll your applicants as citizens of the Cherokee Nation, by Cherokee blood.

*This case was passed on
by the Secretary 8/29/1903.*

Respectfully,

Bessie T. Tarkenton
Attorneys for applicants

The evidence in this case shows:

1st^o That Noah Langley is a Cherokee by blood.

2nd^o That he was born and raised in the Cherokee Nation.

3rd^o That his name appears upon the authenticated roll of 1880, and also upon the roll of 1896, and that the name of Lula Langley his oldest child appears upon the roll of 1896; and evidence of the birth of Leona Langley having been filed.

4th^o That Noah Langley had been out of the Cherokee Nation for several years, working around. That in 1894 he was married in New Mexico.

5th^o That the reason he left the Cherokee Nation at the time he did was because he had gotten into trouble.

6th^o That Noah Langley never left the Cherokee Nation and became a citizen of any other government, but had always claimed and considered the Cherokee Nation as his permanent home.

7th^o That he never owned land or real estate in any other country.

8th^o That he never voted in any other State or Territory.

9th^o That applicants right together with his two minor children ~~and~~ to enroll out as citizens of the Cherokee Nation by blood, has never been, nor is it at this time disputed by the Cherokee Nation.

10th^o That Noah Langley moved around from place to place, first going to the State of Texas, then to New Mexico, and then to Arizona, but in none of these places did he acquire a domicile.

Cited: Mitchell -vs- United States, 88 U.S. 350. 120 Ed. 2d. 568.

Railway -vs- Ohio, 177 U.S. 123. 120 Ed. 2d. 29. - 837.

Evils -vs- Smith, 14 Iowa 400. 120 Ed. 2d. 14 -

Gardner -vs- Sharp. 9 Fed. Cas. 1199. Hall -vs- Shocked (10) 31 S.W. 97.

Bernardes -vs- Cussett (Tex) 38 S.W. 113. Krole vs Cooper 43 Ark 547.

Story on Const law, Section 44.

For a further citation, we call your attention to your ruling in the case of SCOTT A. YEARGIN et-al.

The rights of these applicants to be enrolled as citizens of the Cherokee Nation by Cherokee blood is so apparent we do not deem it necessary to further enter this record with argument.

Respectfully submitted,

Ressey & Tanay
Attorneys for Applicants

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXEY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 865.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Noah Langley for the enrollment of himself and his two children, Lula and Leona Langley, as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 112.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 865.

Muskogee, Indian Territory, July 29, 1902.

A. M. Callaway,

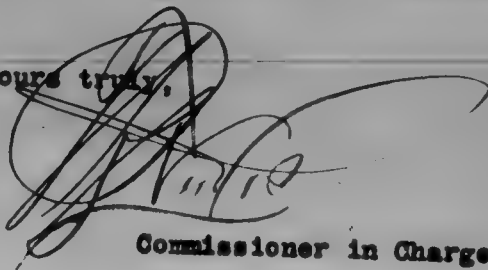
Attorney for Noah Langley, et al.,
Claremore, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Noah Langley for the enrollment of himself and his two children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage, of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Register.

Enc. C. No. 111.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

BCP

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee B-102

Tahlequah, Indian Territory, April 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that on March 25, 1904, the Secretary of the Interior rescinded his decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting the application of Noah Langley for the enrollment of himself and minor children, Lula and Leona Langley as citizens by blood, and for the enrollment of his wife, Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation, and remanded said application for the purpose of taking further testimony in the same.

You are further advised that said Noah Langley has been notified this day of the action of the Department and advised that he will be allowed thirty days from date hereof in which to appear before the Cherokee Land Office of the Commission at Tahlequah, I.T. for the purpose of offering any further testimony he desires relative to his citizenship and continued residence in the Cherokee Nation.

Respectfully,

C. R. Breckinridge

MH

Commissioner in Charge
Cherokee Land Office.

COMMISSIONER'S
TAMM HIXBY
THOMAS R. NEEDLES
R. BRECKINRIDGE

W. H. BRALL
RECEIVED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R/ 702.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 25, 1904.

W. W. Hastings,


Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Noah Langley for the enrollment of himself, and others as citizens by blood of the Cherokee Nation, you are advised that the Department has re-opened this case for further testimony and as to the applicant's residence.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, July 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,


~~Commissioner in Charge~~
Chairman.

CHEROKEE R-702.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, rejecting the application of Noah Langley for the enrollment of himself and children, Lula and Leona Langley, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-44

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 702

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 25, 1907, rejecting the application for the enrollment of Lizzie H. Langley, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. A-34

RA

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE UNITED STATES COMMISSION
TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT DIVISION.

W. W. HASTINGS, ATTORNEY

J. C. STARR, SECRETARY

TAHLEQUAH, IND. TER., _____

1903

Record & decision
Loan to J. M. S. S. S.
1877-03-

IN THE MATTER OF THE APPLICATION OF

Wm Langley et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 11/28/00

B Memo. of Application of 11/28/00

C Birth certificate of Leo. W. Langley

D Receipt for testimony, Sept 3, 1901

E Notice of final consideration 3/11/02

F Order closing testimony 3/10/02

G

Decision

Transferred to R-702

Cher D 866

Cher D 866

18866

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 28 1906


ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 25, 1900.

In the matter of the application of Mirah A. Faucette for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, as follows:

Q What is your name? A Mirah A. Faucette.
Q What is your age? A 24.
Q What is your present residence address? A Tahlequah, Ark.
Q What district do you live in? Tahlequah District? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you desire to enroll? A Just myself.
Q Are you married? A Yes sir.
Q What is your husband's name? A Edgar Faucette.
Q Is he a non citizen? A Yes sir.
Q What was your name before you married? A Allen.
Q When were you married? A Four years I have been married.
Q What is your father's name? A D. M. Allen.
Q He living? A Yes sir.
Q What is your mother's name? A Mary.
Q She living? A She is.
1880 roll; page 58, #4, Mariah Allen, Cooweescoowee.
1896 roll; page 101, #22, Mariah Allen, Cooweescoowee.
Q Is Mr. Faucette your first husband? A Yes sir, and last one.
Q You his first wife? A Yes sir.
Q Have you always lived in the Cherokee Nation? A Up to the time I married.
Q Living there now? A It is my home; the only home I have.
Q Where do you live? A I live in Fort Smith.
Q How long have you lived in Fort Smith? A Part of the time, off and on; most of the time with my father.
Q Keeping house there? A Night house-keeping.
Q You have made your home in Fort Smith since you were married in 1896? A No sir, not altogether.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Lived all your life in the Cherokee Nation until you were married? A Yes sir.
Q Since you were married you live in Fort Smith? A Lived here part of the time with my parents.
Q Your husband live with your parents? A He goes back and forth wherever he is at work.
Q Where were you living three years ago? A I guess in Fort Smith.

By W. W. Hastings:

Q Your husband is a plumber? A Yes sir; he takes contracts and goes wherever he gets work.

Commissioner Needles:

The name of Mirah A. Faucette is found upon the authenticated roll of 1880 by her maiden name, Mariah Allen, also found upon the Census roll of 1896 as Mariah Allen. She avers that she was married to one Edgar Faucette in the year 1896, and since that time her permanent residence has not been the Cherokee Nation. She is duly identified upon the rolls; but by reason of conflicting testimony as to her residence, final judgment as to the enrollment of the said Mirah Faucette will be suspended, and her name be placed upon a doubtful card.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported correctly the testimony and proceedings in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 25th day of November, 1900.

Supl.-C.D.#333.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MIRAN A. FAUCETT as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 11th day of March, 1902, called and failing to respond, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Reeson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceeding has this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reeson

NOV 1 1902

2-D-288

Q When your daughter was married to Mr. Fawcett, where did they live?
A In New York, but she has a claim that she has not been improved.
Q When did they go to Ft. Smith, Arkansas? A I can't tell. I am not
certain of these dates. I cannot give you a general idea of the time.
Q I have no way of knowing.
Q You say they did not live in Ft. Smith for a year at a time? A No.
Q She was not there a year at a time; she was always with me a part of
every year--not did we ever stay in Eureka Springs for a year.
Q Is her husband a contractor? A He is a plumber and contractor; no
work at Texarkana, Ft. Smith, Silsbee, St. Gibson, Tahlequah, and a
good many places; whenever he is not at work he spends some of the time
with us.
Q He don't work for anyone else? He works for himself. A Sometimes he
gets a contract with someone else.
Q How long did you say they had lived outside the Cherokee nation?
A When do you mean?
Q Altogether? A It would be hard to say during five years.
Q Would she be with him the time? A I expect so.
Q You don't know where they were living in June, 1902, do you? A I
couldn't tell where they were then.
Q But you say your daughter has a claim in the Cherokee nation? A Yes.
Q And intends to improve that? And expect that as her allotment? A Yes.
Q Is that her husband's intention also? A Yes sir.
Q She consents the Cherokee nation their home? A Yes, they have some
trying to get money to improve this place.
Q This testimony will be written up and made a part of
the record in this case, but it will not appear in
anybody's book except in the will have to appear, and
give her testimony just the same.

Frances R. Lane upon oath states that as stenographer to the
Commission to the Five Civilized Tribes she correctly recorded the testi-
mony in the above entitled cause, and that the foregoing is an accurate
transcript of her stenographic notes thereof.

Subscribed and sworn to before me this November 1, 1902.

Notary Public

8864

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T., October 23, 1902.

In the matter of the application of Mirah A. Fawcett for enrollment as a citizen by blood of the Cherokee nation.

D. M. Allen, called as a witness in the above entitled case, and being duly sworn and examined by the Commission, testified as follows:

- Q Your name is D. M. Allen? A Yes sir.
- Q How old are you? A Sixty Three years.
- Q What is your postoffice address? A Tahlequah, I.T.
- Q Are you a Cherokee citizen? A Yes sir.
- Q Do you know Mirah A. Fawcett? A Yes sir.
- Q How long have you known her? A Since her birth.
- Q Has she been living in the Cherokee nation since her birth? A Yes.
- Q What is, she has been with me when I was at Eureka Springs with the church there; the conference sent me there; I was sent out there by the Presbyterian church; during that time she was with me; about three years.
- Q Keeping house for you? A No. I was keeping house.
- Q You are her father? A Yes sir.
- Q Is she married now? A She is.
- Q When did she marry? A Been a little over four years.
- Q What is her husband's name? A Edgar Fawcett.
- Q Tell me where she has lived from her birth up? How long did she live in the Cherokee nation? A She lived in the Cherokee nation until 1893, I guess it is.
- Q Continuously? A Yes sir, and I was there at Eureka Springs for three years in charge of that work; I came back to the Cherokee nation and have been living here ever since.
- Q She was with you the three years you were over there? A Yes sir.
- Q From 1893 to 1896? A Yes sir.
- Q Did she come back with you in 1896? A No, she came back about two months after I did.
- Q That was in 1896? A Yes sir.
- Q You say she married about four years ago? A Yes sir.
- Q Married in 1903? A I don't know whether it was 1898 or--let me see--yes, it has been five years ago. No, I really don't know when she married. I know it has been about five years.
- Q Was she living with you in the Cherokee nation from the time you came back from Eureka Springs up to the time she married? A Yes sir.
- Q Where has she been living since she was married? A Sometimes with me, and sometimes with his father.
- Q Is her husband a white man? A Yes sir.
- Q Where is his home? A He is a plumber; he has been living about twelve places at different times; Four or five of them in the Indian Territory, and four or five in Arkansas.
- Q Where were they in 1898? A I don't know as I can tell you.
- Q Haven't they ever in Arkansas at that time? A Is that the year the roll was made?
- Q No. A Well, a part of the time possibly they were; she has never been in Arkansas at any time as much as a year at a time except when I was at Eureka Springs.
- Q Didn't they keep house in Arkansas? A No, they lived with his father while they were there.
- Q Lived with his father? A Yes sir.
- Q Does she still call her home in the Cherokee nation? A Her home is with me, yes; and their object in working over there has been to get money to improve a home for themselves.
- Q Did they have any lands in the Cherokee nation? A Yes sir.
- Q Does she have a farm over here in the nation? A She has not had a

Q Now, did she have a claim that she met your daughter?
 A When your daughter was married to Mr. Fayett, where did they live
 right after they were married? A With me.
 Q When did they go to Ft. Smith, Arkansas? A I can't tell. I am not
 certain of these dates. I can only give you a general idea of the time.
 I have no way of knowing.
 Q You say they did not live in Ft. Smith for a year at a time? A No,
 she was not there a year at a time. She was always with me a part of
 every year. She did not ever stay in Poncha Springs for a year.
 Q Is her husband a contractor? A He is a planter and contractor; he
 worked at Tusahoma, Ft. Smith, Sallisaw, Ft. Gibson, Tahlequah, and a
 good many places; whenever he is not at work he spends some of the time
 with me.
 Q He don't work for anyone else? He works for himself? A Sometimes he
 gets a contract with someone else.
 Q How long did you say they had lived outside the Cherokee nation?
 A When do you mean?
 Q Altogether? A It would be hard to say during five years.
 Q Would she be out half the time? A I expect so.
 Q You don't know where they were living in June, 1900, do you? A I
 couldn't tell where they were then.
 Q But you say your daughter has a claim in the Cherokee nation? A Yes.
 Q And intends to improve that? And select that as her allotment? A Yes.
 Q Is that her husband's intention also? A Yes sir.
 Q She considers the Cherokee nation their home? A Yes, they have been
 trying to get money to improve this place.

This testimony will be written up and made a part of
 the record in this case, but it will not excuse your
 daughter from coming in; she will have to appear and
 give her testimony just the same.

Frances R. Lane upon oath states that as stenographer to the
 Commission to the Five Civilized Tribes she correctly recorded the testi-
 mony in the above entitled cause, and that the foregoing is an accurate
 transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 1, 1902.

B. D. Jones
 Notary Public.

7880

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Original

LOUISIANA
[Signature]

[Signature]
O. C. Carr

Subscribed and sworn to before me this 1st day of December, 1905.

True and complete transcript of the stenographic notes thereof.
Testified the above entitled case and that the foregoing is a
correct copy of the stenographic notes of the above entitled witness.
Jesse O. Carr, being first duly sworn, deposes that he

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 24th, 1902.

In the matter of the application of Mirah A. Faucette for the enrollment of herself as a citizen by blood of the Cherokee Nation.

Supplemental to D-866.

MIRAH A. FAUCETTE, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Mirah Faucette.
Q. What is your age and post office address? A. 25.
Q. Where do you live? A. Helena.
Q. Arkansas? A. Yes, sir.
Q. Where were you born? A. Somewhere in the Territory; I don't know.
Q. How long did you continue to reside in the Territory after your birth? A. Why, I lived in the Territory, lets see--Well, I have lived off and on in the Territory altogether up until the last-- until after I married. I was born and raised right in the Territory.
Q. How old were you when you left the Territory the first time and where did you go? A. I don't remember just the exact dates now.
Q. Just the approximate time? A. The first time we left the Territory we went to Eureka Springs.
Q. Arkansas? A. Yes, sir.
Q. About how old were you then? A. I can't say because I don't remember positively.
Q. Did you go there with your parents? A. Yes, sir.
Q. Are they living now? A. Yes, sir.
Q. Where do they live? A. Tahlequah.
Q. Right in the town of Tahlequah? A. Yes, sir.
Q. How long have they been actual residents of the town of Tahlequah? A. Why, I don't honestly remember how long they have been living there, I really don't.
Q. Haven't you any idea? Has it been as much as two years? A. Yes, sir; longer than that; nearly three, I think.
Q. Where did they live prior to that, in what town? A. They have moved around so much I declare I don't know.
Q. Is your mother alive? A. Yes, sir.
Q. Where is she at this time? A. They live at Tahlequah.
Q. Is she ever there at this time? A. Yes, sir.
Q. When were you married? A. In October, 1896.
Q. October, 1896? A. Lets see. Yes, sir; it was 1896.
Q. What is the name of your husband? A. Edgar Faucette.
Q. He is living at this time? A. Yes, sir.
Q. What is his occupation? A. Plumber.
Q. Where were you married? A. Married at Eureka Springs.
Q. Were your parents living there at that time? A. Yes, sir.
Q. Keeping house there? A. Yes, sir.
Q. How long did they continue to keep house there after your marriage? A. We left right away; didn't live there hardly a year.
Q. Where did they go? A. Came back to the Territory.
Q. How long had you been living at Eureka Springs prior to your marriage? A. I don't remember positively all these things. I think it was about a year or something like that.
Q. Your parents were keeping house there when you were married? A. Yes, sir. My father is a minister.
Q. Was he assigned to any church? A. Yes, sir.
Q. Is he preaching at this time? A. Yes, sir.
Q. Where? A. Tahlequah.

Q. After you were married where did you live? A. Fort Smith.

Q. Did you keep house there? A. When we first married we went to Fort Smith and we boarded a year or two then we kept house a year and then broke up and I come up here.

Q. How long did you remain? The first time you come after you were married, how long did you remain? A. About a month or two months.

Q. Your husband was down in Arkansas during that time? A. Yes, sir.

Q. Are you keeping house at Helena? A. No, sir.

Q. Boarding? A. Yes, sir.

Q. Do you own any property in the Cherokee Nation? A. We haven't; no, sir.

Q. Have either you or your husband made your home or actually resided in the Cherokee Nation? A. Lived here as much as any where.

Q. Have you actually lived here? A. Do you mean come here and keep house?

Q. Yes. A. No, sir.

Q. Have you ever boarded here? A. Yes, sir.

Q. Where? A. With my parents at Tahlequah.

Q. When was that? A. About a year ago I come up here and stayed.

Q. Did your husband come with you? A. He wasn't here all the time.

Q. How long did he remain when he was here? A. He would come and stay two or three weeks at a time.

Q. Did you pay board to your parents? A. Yes, sir.

Q. How long did you remain there that time? A. I think I stayed six months.

Q. Where did you go then? A. Helena.

Q. Have you lived at Helena ever since? A. Not ever since. I was at home last summer.

Q. Were you visiting? A. Yes, sir.

Q. Where were you living in June, 1898? A. I don't remember. I hate to say when I don't remember the dates.

Q. Four years ago last June. A. I don't know where to say. I don't remember. We only did light housekeeping.

Q. As a matter of fact have you at any time since your marriage come here to the Cherokee Nation with the intention of making it your home? A. We have always come here to make it our home.

Q. Have you had that intention? A. I intended at one time to live in the Territory at Tahlequah.

Q. How long did you remain? A. I stayed there six months.

Q. That is about a year ago? A. Yes, sir; just about.

Q. You didn't bring any effects with you? A. No, sir; never had any to bring.

Q. Were you doing light housekeeping? A. Yes, sir.

Q. What did you do with the things? A. When I broke up housekeeping we sold them.

Q. You didn't buy any when you went to Helena? A. No, never did. We boarded.

Q. You stated a while ago that you believed that you lived at Eureka Springs about a year prior to your marriage?

A. I said I thought. I didn't say positive.

Q. Where did you go from when you went to Eureka Springs?

A. I think it was Vinita.

Q. Have you been living at Vinita? A. Yes, sir.

Page 6. May, 1914. The first of the above named persons
was taken to the Commission on the Five Civilized Tribes and
reported the above matters. He stated that the following is a
true and correct statement of his statement.

John C. Carr

Witness and sworn to before me this 1st day of December, 1914.

[Signature]
Notary Public

10/14

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Mirah A. Faucette as a citizen by blood of the Cherokee Nation.

DECISION.

The records of this office show that on November 28, 1900, Mirah A. Faucette appeared before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 23 and 24, 1902.

The evidence in this case shows that Mirah A. Faucette, who is identified upon the 1880 authenticated Cherokee roll and also upon the 1896 Cherokee census roll, is a Cherokee by blood and has resided continuously in the Cherokee Nation from the date of her birth up to and including September 1, 1902, with the exception of a temporary absence in the State of Arkansas. From 1893 to 1896 she resided with her father, a Minister of the Gospel, who was temporarily stationed at Eureka Springs, Arkansas. From 1896, when she married, until 1900, she occasionally accompanied her husband to different cities in the State of Arkansas, where he was temporarily engaged as a plumber. It is not considered, however, that the temporary absence of said applicant in any way effected her right to enrollment as a citizen of the Cherokee Nation.

It is, therefore, ordered and adjudged that under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Mirah A. Faucette is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

SIGNED

Tamm Dixey
Commissioner.

Dated at Muskogee, Indian Territory,

this OCT 2 1905

ATTORNEYS

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. SEAR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

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TOM BEN GARRETT, MAYOR
D. B. SPARKS, CITY CLERK
J. A. HOFFMAN, TREASURER

FRANK PHIBBS, POLICE JUDGE
F. M. JAMISON, CITY ATTORNEY
T. A. BAYLEY, CITY ENGINEER
JOHN FULLER, CHIEF OF POLICE

HENRY WIGGAM, CITY WIGGAM
J. W. RICE, CHIEF FIRE DEPARTMENT
WILL FARRIOR, SCHOOL COMMISSIONER

City of Fort Smith, Arkansas

3/3

1902

Hon J. C. Starr

Yours at hand giving us
I have located Mrs. Fairchild
at Bellana Ark. So I
will return your papers

Yours
John Fuller

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-866.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1905, granting the application of Mirah A. Faucette for enrollment as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

LS
Incl. S-1


Commissioner.

18959

IN THE MATTER OF THE APPLICATION OF

Mirah A. Fancette

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 1/28/02
D. Hearing of application of 2/2/02
Notice of final consideration 3/11/02
D. Order denying testimony 3/11/02

Testimony

OCT 21 1905

Thompson

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3-13.

CONFIDENTIAL

Q Now, before you were married, A Yes, before.

Q How long was that before you were married?

A I don't know, I don't know.

Q And you were living together at that time?

A Yes, I was.

CONFIDENTIAL

Q Now, before you were married, A Yes, before.

Q How long was that before you were married?

A I don't know, I don't know.

Q And you were living together at that time?

A Yes, I was.

Q Now, before you were married, A Yes, before.

Q How long was that before you were married?

A I don't know, I don't know.

Q And you were living together at that time?

A Yes, I was.

Q Now, before you were married, A Yes, before.

Q How long was that before you were married?

A I don't know, I don't know.

Q And you were living together at that time?

A Yes, I was.

Q Now, before you were married, A Yes, before.

Q How long was that before you were married?

A I don't know, I don't know.

Q And you were living together at that time?

A Yes, I was.

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CONFIDENTIAL

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Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, T. T., November 25, 1900.

In the matter of the application of Elizabeth Bruner for the enrollment of Leroy and Thomas Knight as Cherokee citizens: she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Elizabeth Bruner.
Q How old are you? A 45.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A Live here in town.
Q Are you a recognized citizen of the Cherokee Nation? A I guess I was until I married the last time. I don't know what you got to say about that. I married a white man.
Q Who do you want to enroll? A Two boys, Leroy and Thomas Knight.
Q How old is Leroy? A 18 years.
Q How old is Thomas? A 13.
Q Who is the mother of these two children? A Me.
Q Who is their father? A George Knight.
Q He living? A No sir, he's dead.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q You're a white woman are you? A Yes sir.
Q When were you married to George Knight?
Applicant presents satisfactory proof of marriage to one George Knight, her maiden name ~~being~~ having been Elizabeth Scott, on the 22nd day of September, 1884.
1880 roll; page 448, #1011, George Knight, Goingsnake dist.
Q How long has he been dead; over four years? A Oh, yes; about five or six.
Q These children always go by the name of Knight? A Yes sir.
Q Your name on the 1896 roll? A I don't know whether it is or not. My last name is not on any of the rolls.

By W. W. Hastings-

- Q This certificate shows that you were married in 1884, and you give in Leroy Knight's age as being 18 years, that will make him be born in 1866, or two years prior to your marriage? A We were living together three years before we were lawfully married.
Q Were you married before you married Knight? A No sir.
Q How many children did you have before you were married? A I had two.
Q What was the other ones name? A Leroy and Thomas Knight are George Knight's children.
Q Both born before you married Knight? A No sir.
Q How long did you live with Knight? A Seven years.
Q Did you live with him until his death? A No sir, he went off in Delaware, and took sick and died there. I wasn't with him.
Q How long had he been away from you at the time of his death? A Been away about two years. I never kept particular account.
Q That was a matter of no consequence how long your husband was separated from you so you don't remember— How long had he been away before he died? A About two years.
Q How long did you actually live with him after this marriage was performed in 1884? A We lived together three years before we were lawfully married.
Q How long afterwards? A All together we lived together seven years.
Q You lived with him four years after you were married? A Yes.
Q When did you say he died? A I don't remember the year he died. He went off and left me and went up to Delaware among his kin folks.
Q You know when he went off and left you? A I don't know the year. I never paid any attention to the year he left. We lived together seven years, and we lived together three years before we were lawfully married.
1894 roll; page 687, #1558, Le Roy Knight, Goingsnake dist.
687, #1559, Thos. Knight, Goingsnake dist.

Q. A. S.

Commissioner:

Q. Now Leroy was born before you were married? A. Yes sir.
Q. Thomas was born after you were married? A. Yes sir, and then we lived together as man and wife.
Q. Have you any proof that you lived together as man and wife before you were married, and that passed through the country as man and wife—can you bring your proof now? A. I don't know whether anybody here knows or not. I have lived there at that time.

Commissioner Needles:

Applicant applies for the enrollment of Leroy and Thomas Knight, her children, as she avers by George Knight, her husband, and she presents satisfactory proof of marriage to said George Knight, certifying that she was married to him on the 22nd day of September, 1884, she being a non-citizen. The names of said Leroy and Thomas Knight are not found upon the Census of 1890, but are found on the pay roll of 1894. Applicant avers that Leroy Knight was born out of wedlock, or before her marriage to George Knight, but that she lived with him as man and wife, and was living with him as man and wife at the time of the birth of the said Leroy Knight. She also avers that Thomas Knight was born after her marriage.

By W. W. Hastings.

Q. Had this man left you, George Knight, at the time of this last child Thomas Knight was born? A. Yes sir.

Q. How long? A. He was gone six months before my last child was born.

Commissioner:

Q. He never returned to you, did he? A. No sir.

Q. You know any reason why he left? A. Just because he was so trifling and wouldn't work, and I wouldn't live with him.

Q. You had to make the living yourself? A. I had to make the living myself, and I thought I wouldn't make the living for him.

Commissioner Needles:

The evidence shows that Thomas Knight was born after legal marriage to said George Knight to Elizabeth, his wife, but that he was born six months after George Knight had abandoned his wife. No positive proof is presented as to common law marriage even with the father and mother of Leroy Knight; and by reason of conflicting testimony as to the whole matter, final judgment will be suspended as to the enrollment of said Leroy Knight and Thomas Knight, and their names be placed upon a doubtful card. Although, the Commission at this time has little doubt but that Thomas Knight should be enrolled as a Cherokee citizen by blood.

E. C. Rothenberger, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported correctly the testimony and proceedings in the above cause, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 20th day of November, 1900.

E. C. Rothenberger
[Signature]
Commissioner.

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OF THE INTER-
FIVE CIVILIZED TRIBES
ED
DEC 10 1900

ACTING CHAIRMAN.

S U P P L E M E N T A L T E S T I M O N Y .

D 307.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLESQUAH, I.T., DECEMBER 8th, 1900

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of LEROY and THOMAS KNIGHT as citizens of the Cherokee Nation:

~~JANE~~
~~JACK~~ ROBBINS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Robbins.
Q How old are you? A I am 58.
Q What is your post office? A Here at Town.
Q At Tahlequah? A Yes, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know George Knight? A Yes, sir, I knew him.
Q Do you know Elizabeth, his wife? A Yes, sir.
Q Do you know whether they ever lived together as man and wife before they were married? A Yes, sir, they lived in a mile of our house and the child was a baby then.
Q Which child? A Leroy.
Q How long did they live together as man and wife before they were married? A I do not remember, I think it was three years, we lived close to them.
Q You lived close to them? A Yes, sir.
Q Were they held out in the neighborhood as man and wife? Yes, sir.
Q It was so considered in the community? A Yes, sir.
Q After that did George marry Elizabeth? A Yes, sir.
Q How long did George Knight live with Elizabeth after he married her? A I can't recollect, I am so forgetful that I can't recollect how long.
Q He did not live with her until he died? A He went off up to some of his folks and died up there.
Q Now, after George left Elizabeth did she have a child after that? A Yes, sir.
Q What was that child's name? A Wilkerson--yes, a younger child, Tommy.
Q Was Thomas Knight born after George Knight left Elizabeth? A He was a baby I think.

ELIZABETH TERRY, being sworn and examined, testified as follows:

Q You are the mother of Thomas Knight? A Yes, sir, Leroy Knight and Tommy Knight. We and George Knight lived together three years as man and wife, kept house before we was lawfully married, and I suppose Leroy was somewhere about nearly two years old, and then we were lawfully married and lived together on I guess about four years after we was lawfully married.
Q And then you separated? A Yes, sir.
Q Now, about how long was it after you separated before Tom Knight was born? A Six months.
Q After you separated? A Yes, sir.
Q You swear that he was conceived while you were living together? A Yes, sir.
Q You are a white woman? A Yes, sir.
Q George Knight was a Cherokee by blood was he? A Yes, sir.
Q You have married since that? A Yes, sir, I married a man named George Bruner, I lived with him about three months, and he robbed my children of their strip money and I left him.

Levey Knight---2.

J. C. Nelson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Nelson

Subscribed and sworn to before me this 10th day of December, 1900.

Chas. H. H. H.
Commissioner.

DEC 11 1800

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE LAND OFFICE, WASHINGTON,
D. C., J. 3., DECEMBER 11, 1800.

RECEIVED BY THE DEPT. OF THE INTERIOR, WASHINGTON, D. C., DECEMBER 11, 1800.

David Sullivan, being sworn and examined by Commissioner, W. H. Holmes, deposes as follows:

Q What is your name? A David Sullivan.

Q What is your age? A Forty two.

Q What is your present residence? A Home.

Q Do you know George Sullivan?

A Yes, he is living.

Q How long has he been living?

A He has been living in the same place for many years.

Q How long has he been living there?

A He has been living there for many years.

Q How long has he been living there?

A He has been living there for many years.

Q How long has he been living there?

A He has been living there for many years.

Q How long has he been living there?

A He has been living there for many years.

Q How long has he been living there?

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A He has been living there for many years.

Q How long has he been living there?

A He has been living there for many years.

Q How long has he been living there?

A He has been living there for many years.

Supl)-C.D.#647.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of **LEROY KNIGHT, ET AL**, as citizens of the Cherokee Nation.

The applicant's mother, Elizabeth Bruner, was notified by registered letter February 19, 1902, that her application for the enrollment of her children would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date an opportunity would be given her to appear either in person or by attorney and introduce any further testimony affecting said application. The applicant this day, to-wit: the 11th day of March, 1902, been called and failing to respond either in person or by attorney, the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee representative, present.

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I, J. O. Reason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the preceding had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Reason

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leroy Knight and Thomas Knight as citizens by blood of the Cherokee Nation.

|| || || || || || || ||

ORDER.

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The record in this case shows that on November 28, 1900, Elizabeth Bruner appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of her two minor children, Leroy Knight and Thomas Knight, by her former husband, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 6, 1900, and again on December 13, 1900.

The evidence in this case shows that Thomas Knight and Leroy Knight died on October 31, 1901, and January 28, 1902, respectively, as evidenced by death affidavits, made a part of the record herein.

It is, therefore, ordered by this Commission that the application for the enrollment of Leroy Knight and Thomas Knight as citizens by blood of the Cherokee Nation be, and the same is hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Sam D. Dixby.
Acting Chairman.

T. E. Needles.
Commissioner.

J. E. Brockinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 867.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,

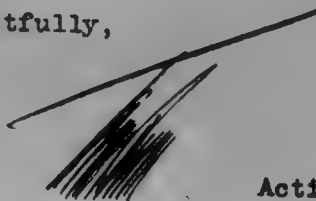
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated December 10, 1902, dismissing the application of Elizabeth Bruner for the enrollment of her two minor children, Thomas and Leroy Knight, as citizens by blood of the Cherokee Nation, they having died on October 31, 1901, and January 28, 1902, respectively.

Respectfully,



Acting Chairman.

Enclosure H. No. 280.

~~Barrow~~
IN THE MATTER OF THE APPLICATION OF

~~Leroy Knight et al~~

~~FOR ENROLLMENT AS~~

~~CHEROKEE CITIZENS.~~

- ~~A Original testimony of 11/28/00.~~
- ~~B Memo. of application of 11/28/00.~~
- ~~C Supplementary testimony of 12/8/00.~~
- ~~D Supplementary testimony of 12/12/00.~~
- ~~E Certified Copy of Maria H. Certificate~~
- ~~F Notice of final consideration, 3/11/02~~
- ~~G Order closing testimony 3/11/02~~

~~It structured very letter~~

Cher D 868

Cher D 868

IN THE MATTER OF THE APPLICATION OF James A. Herring for the enrollment of himself, wife and four children as citizens of the Cherokee Nation, and the said Herring being sworn and examined by Commissioner J. B. Hedden, testified as follows:

Q What is your name? A James A. Herring.
Q How old are you? A Twenty eight I believe.
Q What is your Postoffice address? A Needy, I. T.
Q What district do you live in? A Tahlequah District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you want to enroll? A Myself, wife and four children.
Q What is the name of your wife? A Louie R.
Q What is her age? A Twenty four I believe.
Q Is she a citizen by blood? A By adoption.
Q Have you a certificate of marriage? A Yes sir.
Q Please present it? (Applicant hands paper to Commissioner)

The applicant presents a certificate of marriage, certifying that he was married on the 4th day of January, 1891, according to the laws of the United States, to one, Louie R.

Q She is a non citizen? A Yes sir.
Q What are the names of your children? A Harvey Lee Herring.
Q How old is he? A He is about eight years old, as near as I can guess at this time.
Q Next child? A Fred W.
Q How old is he? A He is about six.
Q Next child? A Berta J.
Q How old is she? A She is about four as near as I can tell.
Q Next child? A Mattie May.
Q How old is she? A About fourteen months old.
Q Is your name on the roll of 1897? A No sir.
Q What proof have you of your citizenship? A I was admitted in 1888 by the National Council; My mother was before you at Pryor Creek with the certificate, but I failed to bring it down this morning; I forgot to bring it; You remember perhaps that she presented a certified copy of her and her children; We can get that in a couple of hours.

(1896 Roll, Page 1187, #1847, James A. Herring, Tahlequah D'st)
(1896 Roll, Page 1202, #1851, Louie R. Herring, Tahlequah D'st)
(1896 Roll, Page 1187, #1848, Harvey L. Herring, Tahlequah D'st)
(1896 Roll, Page 1187, #1849, Fred W. Herring, Tahlequah D'st)
(1896 Roll, Page 1187, #1850, Berta J. Herring, Tahlequah D'st)

The records of the Cherokee Nation, being examined, show that James A. Herring was admitted by the citizenship Committee on the 7th day of September, 1888 to citizenship.
Q How long have you lived in the Cherokee Nation?
A Ever since the 15th day of October, 1894.
Q You were admitted to citizenship in 1887? A Yes sir.
Q You did not come to the Cherokee Nation until 1894?
A No sir, I was a child, and my father went to the State.
Q How old were you when you came to the Cherokee Nation?
A I was about twelve years old the best I remember; About that.
Q Where were you married? A I was married in the State.
Q State of Arkansas? A Yes sir.
Q Have you lived here continuously from the time you came up to now? A No sir; he took - my father took me out when I was twelve years old. I came back when I was married; As soon as I got out, I came; In 1894.
Q How old were you then? A I was a married man when you came back?
A Yes sir., and I have been here continuously since.

Q About seven years, you say, did you live there? A Yes sir.
Q Now were those children born there? A Yes they were born there, Harvey
and Fred were born in the State, but the two later ones were born
in Cherokee you don't you remember?

A About twenty years.
Q Did you did not remain here until that year -
A No came here in 1884.
Q You were about twenty three years of age when you removed here?
A Yes sir, I had been married about three years I remember when I
came here.

By Cherokee Representative, Andrew Berry:
Q Did your mother, Pauline A. come out with you when you did?
A No sir, she died in 1884, I believe.
Q And did she stay here all the time? A Yes sir, ever since
1884.

By Commissioner T. B. Needham:
The names of James A. Harris appear upon the census roll of
1896. It is shown that he was admitted by the Commission on citizen-
ship, in the year 1883. He married his wife, Leola N. Gray, a new
citizen, in the year 1881, in the State of Arkansas, where he had
two children born to him, Harvey and Fred W. He swore that he and
his wife removed to the Cherokee Nation in the year 1884. After
his removal, he had two children born, Bertha J., four years of
age, whose name appears upon the census roll of 1896, and Nettie
May. He presents no satisfactory proof of her birth. The names of
his wife and two older children also appear upon the census roll of
1896.

By reason of the conflicting testimony as to the enrollment of
James A. Harris, Frank Judson his wife, Leola N. and family, as
enumerated herein, will be suspended and their names will be placed
on a Doubtful Card. It will also be necessary for him to file with
the Commission satisfactory proof of the birth of his child, Net-
tie May, whose name does not appear upon the census roll of 1896.

The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

W. A. Evans
Subscribed and sworn to before me this 20th day of November, 1900.

J. H. Smith
COMMISSIONER.

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BEST AVAILABLE COPY

Commission: The agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---

I, J. O. Roason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Roason
Stenographer.

Supl.-C.D.#666.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of JAMES A. HERRIN,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears in person and by his Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, Present.

JAMES A. HERRIN, the applicant, duly sworn, testified as follows in his own behalf:

MR. SEQUICHIE:

- Q What is your name? A James A. Herrin.
Q How old are you? A I am 30 years old.
Q What is your post office? A Moody.
Q Did you apply for enrollment before this Commission as a Cherokee citizen? A Yes, sir.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q How long have you been a citizen of the Cherokee Nation?
A Ever since '83, I was admitted in '83.
Q Who were you admitted with? A With my mother, Perlina.
Q Have you lived in the Cherokee Nation since your admission?
A No, sir, not all the time.
Q How long did you stay after you were readmitted? A I was here about eight years I reckon.
Q All the time? A Yes, sir.
Q What year did you return in? A I returned in '93.
Q How old were you when you returned? A I was about 22 or 3.
Q When you returned? A Yes, sir.
Q Did you return to the Cherokee Nation as soon as you became of age? A No, sir; not exactly; I made efforts to come but was hindered from the fact that I could not sell my stuff; I can prove that I sold part of my stuff to come here, but had to buy it back part of my stuff and wait a while.
Q Did you hold any property rights in this country during the time you are away? A My mother did, I was under age; I was not a couple of years or three before I came back.

MR. HASTINGS:

- Q Your mother had an heir's interest in her father's estate up here that was it? A Yes, ~~was~~ that was always my understanding.
Q He died and she inherited some part of the estate?
A Yes, sir.
Q That was all she had here prior to her coming here? A Yes, sir.
Q You married in the State of Arkansas and came here in '94, according to your statement? A Yes, sir.
Q You were married in '91? A '90.
Q Fourth day of January, '91? A Yes, sir.
Q Any of your children born in Arkansas? A Yes, sir; Harvey and Fred and Perlina.

Commission: The following entry appears on the docket of the Cherokee Commission on Citizenship for the year 1880, on page 178:

Office Commission on Citizenship,
Tahlequah, C. N., September, A. D., 1883.

No. 165.

Paulina R. Herrin,
James A. Herrin,
Rosa Herrin,
Rosa Herrin,
Martha Herrin,
Arthur Herrin,
vs
Cherokee Nation.

E. C. Boudinet and Geo O. Butler, Attorneys for claimants.

Petition filed September 3rd, 1883. Case submitted by claimants September 6th, 1883. Case submitted by Solicitor September 6th, 1883. Now on this the 7th day of September, 1883, this case coming on for final hearing and all the evidence produced in the case on both sides, having been carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission that the said Claimants, Paulina R. Herrin, James A. Herrin, Rosa Herrin, Rosa Herrin, Martha Herrin, and Arthur Herrin, are Cherokees by blood, and that they are by virtue thereof entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Thomas. Tohee, President of Commission.
Alex. Wolfe,
T. F. Thompson, Commissioners.

D.W.C. Duncan, Clerk of Commission.

Transcript furnished claimant September 11, 1883,
D. W. C. Duncan,
Clerk.

Examination of Applicant continued by Mr. Hastings:

Q Where were you born? A In the State of Arkansas.
Q Were you living there when your mother came up here and was readmitted in 1883? A Yes, sir; I was a child then.
Q You never came up here with her? A Yes, sir.
Q You came up here and stayed a short time while her application was pending and until she was readmitted and then you went back to Arkansas? A Yes, sir; had to go back with her father because he was a white man.

MR. SEQUICHIE:

Q How old were you when you went back? A About 12 years old. I was born in '71, and that was '83.
Q Was your father disposed to move here, to the Cherokee Nation? A He desired to, but his people lived there and my mother's people most all of them were here and she desired to come here, and of course she would not come without him.

MR. HASTINGS:

Q Did your father die there? A Yes, sir.
Q And after his death you came here? A Yes, sir.
Q When did he die? A About 1887.

THE STATE OF NEW YORK
IN SENATE
JANUARY 10, 1906.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
ON THE 10TH DAY OF JANUARY, 1906.
ALBANY: J. B. LEECH, STATE PRINTER, 1906.

[Signature]
J. B. LEECH, STATE PRINTER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James A. Herrin for the enrollment of himself and his minor children Harvey L., Fred W., Bertha J., and Mattie M. Herrin as citizens by blood of the Cherokee Nation and for the enrollment of his wife, Lecie E. Herrin as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 30, 1900, James A. Herrin appeared before the Commission at Tahlequah, Indian Territory and made personal application for the enrollment of himself and his minor children Harvey L., Fred W., Bertha J. and Mattie M. Herrin as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Lecie E. Herrin, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 11, 1902.

The evidence shows that James A. Herrin was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 7, 1883. The evidence further shows that his wife, Lecie E., was lawfully married to him on January 4, 1891. James A. Herrin, his wife, Lecie E. Herrin, and his three older children are identified on the Cherokee Census roll of 1896. Mattie M. Herrin, the youngest child, is identified by a birth affidavit on file with this Commission.

The evidence further shows that said James A. Herrin came to the Cherokee Nation about 1884, and was taken to the State of Arkansas when he was twelve years old. In 1894, he returned to the Cherokee Nation with his said wife, Lecie E., and has resided continuously therein since that time. It further appears that the applicants were residents of the said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that James A. Herrin, Harvey L. Herrin, Fred W. Herrin, Bertha J. Herrin and Mattie M. Herrin should be enrolled as citizens by blood, and that Lecie E. Herrin should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 19 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D 868.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of James A. Herrin for the enrollment of himself and children, Harvey L., Fred W., Bertha J. and Hattie M. Herrin, as citizens by blood, and for the enrollment of his wife, Lecie E. Herrin, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Tamm Bixby
Acting Chairman.

Enc. C. No. 5.

THE MATTER OF THE APPLICATION OF

James A. Hermon et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 11/30/00.

B Memo of Application of 11/30/00

C Marriage license & certificate

D Birth certificate of Mattie M.

E Notice of final consideration, 3/11/01

F Receipt for testimony

G Dupl test & order return, Oct 31/00

James A. Hermon

James A. Hermon

Cher D 869

Cher D 869

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NEW EXHIBITION TERRACE,
WASHINGTON, D. C., FEBRUARY 28th, 1900.

IN THE MATTER OF THE APPLICATION OF Frank M. Paulman for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and his being sworn and examined by Commissioner, U. S. Paulman, testified as follows:

- Q What is your name? A Frank M. Paulman.
Q How old are you? A As near as I can give it is, twenty seven years old.
Q What is your Postoffice address? A None.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, by adoption.
Q When do you want to enroll? A Myself, wife and four children.
Q Have you any certificates of marriage? A Yes sir.
The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married to one, Miss Anna Harris, in the State of Arkansas, on the 1st day of February, 1891.
Q Have you any Cherokee marriage licenses? Is your wife a Cherokee by blood? A Yes sir.
Q Have you any marriage licenses from the Cherokee Nation? A No sir.
Q Where was married according to the laws of the Cherokee Nation on that? A No sir.
Q What are the names of your children? A Ollie R.
Q How old is Ollie R.? A Seven years old.
Q Next child? A Clarence.
Q How old is Clarence? A Five.
Q Next child? A Anna C. She is four.
Q Next one? A Annie.
Q How old is Annie? A Two years old.
Q Is that all? A Yes sir.
Q What is your wife's age? A Twenty five.
Q What is her father's name? A Sam Harris.
Q Is he living? A No sir, he is dead.
Q What is her mother's name? A Paulina R.
Q Is she living? A Yes sir.
Q Is your wife's name on the roll of 1890? A No sir.
Q Have you any proof as to her citizenship? A I can get a certificate; I have not got it at the moment.

(1896 Roll, Page 1878, 276, Frank Paulman, Tahlequah Dist.)
(1896 Roll, Page 1169, 2102, Ann Paulman, Tahlequah Dist.)
(1896 Roll, Page 1169, 2103, Ollie Paulman, Tahlequah Dist.)
(1896 Roll, Page 1169, 2104, Clarence Paulman, Tahlequah Dist.)
(1896 Roll, Page 1169, 2105, Anna C. Paulman, Tahlequah Dist.)

- Q Are these children all living with you at this time? A Yes sir.

By Mr. Russell Starr, Cherokee Representative:

- Q You and your wife, Ann, came here at the same time that your brother in law, James A. Harris came, did you not?
A No sir, we came before he did.
Q When did you come here? A In 1891.
Q Did Ann and Martha Harris come at the same time you did?
A No sir, Ann came directly after I did and Martha came before I did.

By Commissioner T. H. Needles:

- Q When did your wife, Ann Harris, remove to the Cherokee Nation?

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Q In 1898.
 A Yes and was that in 1898? She was sixteen before she married.
 Q Was she?
 A Yes she should have been sixteen when 1898? A Yes sir.
 Q What was her age, do you know, when she was admitted in 1898?
 A About eight years, I think.
 Q Then she lived there continuously until that time?
 A In the Nation.
 Q The girl? A Yes sir.
 Q Continuously until she married you? Then she returned here?
 A Yes sir.
 Q Were any of those children born in Arkansas? A Yes sir, two.
 Q Which one? A Ollie R.
 Q The other children were all born in the Cherokee Nation?
 A Yes sir.

The name of the applicant's wife, Ann Harris is found upon the census roll of 1896, as Ann Paulmer, satisfactory proof being presented as to her marriage to one, Frank Paulmer, a son of them, in the State of Arkansas, in the year 1892. The records of the Cherokee Nation show that she was admitted to citizenship in the year 1882, when she was eight years of age; she married in Arkansas and resided in the Indian Territory after said marriage, being then sixteen years of age.

The testimony shows that her oldest child, Ollie R. Paulmer, was born in the State of Arkansas, the remaining children having been born in the Cherokee Nation. Said Frank Paulmer, who applies for the enrollment of himself, having been a non citizen, and never having been married according to the laws of the Cherokee Nation, his application for his own enrollment is rejected, and by reason of the testimony as to whether the said Ann Paulmer forfeited her citizenship, final judgment as to the enrollment of said Ann Paulmer and her children, Ollie R., Clarence, Arch C., and Annie, will be suspended and their names will be placed upon a Roll and Card. It will also be necessary for the applicant to file with this Commission satisfactory proof of birth as to the youngest child, Annie Paulmer, whose name does not appear upon the Census roll of 1896, she having been born after same was compiled.

The undersigned, being sworn, states that an stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of December, 1900.

COMMISSIONER.

POOR ORIGINAL -
 BEST AVAILABLE COPY

considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Reason, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reason
Stenographer.

MAILED
JUL 11 1901

RECEIVED

Supl.-C.D.#363.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of EDNA PAULINE HERRIN, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, Indian Territory, on the 11th day of March, 1902. The applicant this day, to-wit: the 11th day of March, 1902, appears by her Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, Present.

Commission: The following entry appears on the docket of the Cherokee Commission on Citizenship for the year 1880, on page 172:

"Office Commission on Citizenship,
Tahlequah, C. N., September, A. D., 1883.

No. 165.

Paulina E. Herrin,
James A. Herrin,
Edna Herrin,
Rosa Herrin,
Martha Herrin,
Arthur Herrin,
vs
Cherokee Nation.

E. C. Boudinot and Geo. O. Butler,
Attorneys for Claimants.

Petition filed September 3rd, 1883. Case submitted by claimants September 6th, 1883. Case submitted by Solicitor September 6th, 1883. Now on this the 7th day of September, 1883, this case coming on for final hearing and all the evidence produced in the case on both sides, having been carefully read and duly considered by the Commission on Citizenship, it was adjudged and determined by said Commission that the said Claimants, Paulina E. Herrin, James A. Herrin, Edna Herrin, Rosa Herrin, Martha Herrin, and Arthur Herrin, are Cherokees by blood, and that they are by virtue thereof entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

Then: Tahoe, President of Commission.
Alex. Wolfe,
T. F. Thompson, Commissioners.

D. W. C. Duncanson, Clerk of Commission.

Transcript furnished claimant September 11, 1883.

D. W. C. Duncanson,
Clerk/

Commission: The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is

RECEIVED BY THE SECRETARY OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D. C.

I, J. Q. Brown, do hereby certify that the foregoing is
correctly recorded the original of which is on file
on the above date, and that the same is a true and complete
transcript of the original.

J. Q. Brown
Adjutant General

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Paulkner and his minor children Ollie B., Clarence, Auda C., and Roxie, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

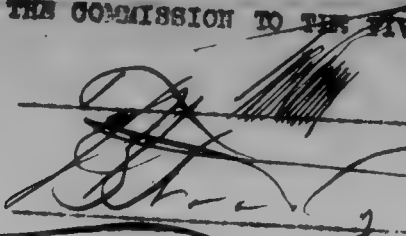
The record in this case shows that on November 30, 1900, Frank M. Paulkner appeared before the Commission at Tahlequah, Indian Territory and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife Emma Paulkner, and his minor children Ollie B., Clarence, Auda C. and Roxie Paulkner, as citizens by blood of the Cherokee Nation. Frank M. Paulkner has been differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 11, 1902.

The evidence shows that the said Emma Paulkner, under her maiden name of Emma Herrin, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 7, 1883. The above named children are the issue of a marriage between the said Emma Paulkner and Frank M. Paulkner on February 1, 1891. Emma Paulkner and her three older children are duly identified on the Cherokee Census roll of 1896. Roxie, the youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that the said Emma Paulkner has resided in the Cherokee Nation since 1893, and that she was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Emma Paulkner, Ollie B. Paulkner, Clarence Paulkner, Auda C. Paulkner, and Roxie Paulkner should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 18 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 869.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Frank M. Faulkner for the enrollment of his wife, Emma Faulkner, and his children, Ollie B., Clarence, Auda C. and Roxie Faulkner, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,


Acting Chairman.

Enc. C. No. 12.

IN THE MATTER OF THE APPLICATION OF

Emma Pauline et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of "30/10.

B Memo. of Application of "30/10.

C Birth certificate of Roxie

D Notice of final consideration, 3/11/02

E Sup test & order closing test

Testimony

See
tra.

See Cherokee packet no 430

Cher D 870

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., Dec. 27, 1900.

In the matter of the application of Nellie Bates for an enrollment of herself and children as Cherokee citizens, being sworn and examined by Commissioner Headman the testimony is as follows:

Q What is your name? A Nellie Bates.
Q No middle name? A No sir.
Q How old are you? A Am 28 years old.
Q What is your husband's name? A Walter Bates.
Q In what district do you live? A Tab. 3 Dist.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Who do you want to enroll? A Myself and four children.
Q Are you married? A Yes sir.
Q What is your husband's name? A Walter Bates.
Q Is he a citizen by blood? A No sir.
Q What are the names of your children? A Carrie Sanders.
Q How old is Carrie? A She is 17.
Q What is the next child's name? A Nicholas Sanders.
Q How old is Nicholas? A 15.
Q The next child? A Fannie Bates.
Q How old is Fannie? A She is 5 years old.
Q The next child? A Beulah Bates.
Q How old is Beulah? A 3.
Q Have you any affidavit made out of the birth of Beulah?
A No sir.
Q What is the father's name of Carrie Sanders? A Nicholas Sanders.
Q Is he living? A No sir, he is dead.
Q Was your first husband? A Yes sir.
Q What was your name in 1880? A My name was Tanksley, that was my first name.
Q What is the date of your first marriage, to Sanders? (No reply)
Q In what district were you in 1880? A Flint District.
Q What was your father's name? A R. Tanksley.
Q And your mother's name? A Emma Tanksley.
Q Their both dead? A No sir, my father is living.
Q Is he a citizen by blood? A Yes sir.
Q 1880 roll examined for applicant, and name not found;
Q You know why your name isn't in the roll of 1880?
A No sir, I don't.
Q 1896 roll page 1134 486 Nellie Bates Tahlequah District.
Q 1896 roll page 2316 4858 Carrie Sanders Tahlequah Dist;
Q 1896 roll page 1216 4853 Nick Sanders Tahlequah District
Q 1896 roll page 1134 486 Fannie Bates Tahlequah District
Q Have you always lived in the Cherokee Nation? A Ever since I was about a year old.
Q Who was your mother? A She was a Nick.
Q Is Ella Tanksley your own sister? A Yes sir.
Q Same father and same mother? A Yes sir.
Q Where were you born? A I was born in the State of Georgia, and my parents came to this country when I was about a year old.
Q And you have been living here ever since? A Yes sir.
Q Are you living near your father? A I live in Tanksley here and my father lives at Pryor Creek.
Q Applicant: My mother was dead when the 1880 roll was made.

Comm'r Headman: The name of Nellie Bates appears upon the census roll of 1896; she avers that she is a Cherokee citizen by blood, but her name is not found upon the authorized roll of 1880, either as the name of her mother, the name of her sister,

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 16 1901

 ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., Dec 14, 1900.

In the matter of the application of Mollie Bates for the enrollment of herself and children, also for the enrollment of her husband, WALTER BATES, as a Cherokee citizen; being sworn and examined by Commissioner Headles she testified as follows:

Q What is your name? A Mollie Bates.
Q No middle name? A No sir.
Q How old are you? A I am 33.
Q What is your post-office address? A Tahlequah.
Q What district do you live in? A Tahlequah District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Enroll myself and 4 children.
Q Are you married? A Yes sir.
Q What is your husband's name? A Walter Bates.
Q Is he living? A Yes sir.
Q Do you apply for his enrollment too? A Yes sir, I guess so.
Q Is an adopted citizen.
Q Where is he? A He has been sent to prison.
Q How old is he? A He is 33.
Q Have you any certificate of marriage? A Yes sir.
Q How you got it with you? A No sir, I have not it

at home.
Q When were you married? A I was married in 1894.
Q To Walter Bates? A Yes sir.
Q What are the names of your children? A Nicholas Sanders.
Q How old is Nicholas? A He is 15.
Q Next child? A Carrie Sanders.
Q How old is Carrie? A She is 17.
Q Name of the next child? A Fannie Bates.
Q How old is Fannie? A 5 years old.
Q Who is the father of Nicholas and Carrie Sanders? A Nicholas Sanders.
Q Is he living? A No sir, he is dead.
Q Was he your first husband? A Yes sir.
Q He died before you married Walter? A Yes sir.
Q What was your name in 1890? A Our names are not on the 1890 roll; my father A. H. Tankersley left his certificate here.
Q That is the name of your next child? A No sir.
Q How old is Boulder? A 3 years old.
Q Have you proof of birth as to Boulder? A Yes sir (Produces same).

By Charles Atty W. Hestings:

Q Where were you living in 1890? A I was living at Wauhatchie in Tahlequah District.

Q Where were you born? A I was born in Georgia.

But I was about a year old when they moved here.

Q You moved here about 70 or 71? A I was born about 1853 I guess; I was just a year old; I was born in 1853.

By Com'r Headles:

Q Did you come here with your father when he came? A Yes sir.

Q You have been living here ever since? A Yes sir.

Com'r: The applicant refers to a certified copy of an act of the Cherokee Council filed in the case of her father, A. H. Tankersley, certifying that A. H. Tankersley was admitted to citizenship as a Cherokee by blood entitled to all the rights and privileges and on Friday morning, April 7, 1872. She also refers to the testimony of her father, Augustus M. Tankersley, case 46572.

POOR ORIGINAL -
BEST AVAILABLE COPY

Hollie Bates et al 2

Q Now, have you found that applicant was married a few days ago, and this is taken as supplemental testimony in your part to her?

Q When will your husband be back? A It will be a little over a year I guess.

Q 1906 roll page 1275. A Walter J. Bates Telephone Interviewed

Q You didn't apply for him the other day? A No sir.

Q Is your husband married to you in accordance with the laws of the Cherokee Nation? A Yes sir.

Q He had a regular Cherokee license? A Yes sir.

Q Have you got them at home? A No sir, I haven't got them, at home; he sent them back to the clerk's office after we was married, I have them recorded, and never did get them.

Q Do you know whether they are in the clerk's office now or not, have you inquired? A No sir, I don't know.

Q Did you live with your husband until he was sent to prison?

A Yes sir.

Q Where is he confined? A At St. Leavenworth.

Chief Magistrate: Hollie Bates is duly identified as the daughter of Augustine H. Tankersley, who was enrolled on card 8379; satisfactory proof has been made as to her citizenship; reference is made to the testimony and certificate of admission filed in the case of her father, 8379, also satisfactory proof has been made as to her real name; consequently the said Hollie Bates and her children Carrie and Nicholas Sanders and Pemie and Leola Bates should be regularly listed for enrollment as Cherokee citizens by blood, and their names should be removed from D card 870 to a straight card. No satisfactory proof is presented as to the marriage of herself to Walter Bates, her present husband; her former husband Sanders, being deceased; said Walter Bates is found upon the census roll of 1890; upon presentation of satisfactory proof as to the marriage of her to said Walter Bates he will be duly listed for enrollment as a Cherokee citizen by intermarriage, said Walter Bates now being confined in the penitentiary at St. Leavenworth, Kansas; said Walter Bates will for the present be placed upon doubtful card.

A. H. Green, being first duly sworn, stated that as stenographer to the Commissioner to the Five Civilized Tribes he has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me in December 15, 1900.

[Signature]

Commissioner

POOR ORIGINAL -
BEST AVAILABLE COPY

Supl.-C.D.#370.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of MOLLIE BATES,
ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices at Muskegee, Indian Territory, on the 11th day of March, 1902, and that on said date she might appear before the Commission either in person or by attorney and an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of Commission's letter. The applicant having this day, to-wit: the 11th day of March, 1902, been called and failing to respond, it is considered that her case is completed and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. D. Hesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenograph notes thereof.

J. D. Hesson

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mollie Bates et al.
for enrollment as Cherokee citizens, consolidating the applications of:

Mollie Bates et al., Cherokee D- 870,
Walter L. Bates, " E-1012.

|| || || || || || || ||

DECISION.

--101--

The record in these cases shows that on December 1, 1900, Mollie Bates appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself and for her minor children, Carrie and Nicholas Sanders and Fannie and Beulah Bates, as citizens by blood of the Cherokee Nation. On December 18, 1900, Mollie Bates again appeared before the Commission at Tahlequah, Indian Territory, and renewed her application for herself and children, and also made application for the enrollment of her husband, Walter L. Bates, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 9, 1902, and on October 28, 1902. A copy of the testimony taken at Tahlequah, Indian Territory, December 13, 1900, in the matter of the application of A. H. Tankersley et al. was filed and made a part of the record herein.

The evidence shows that Mollie Bates is the daughter of one A. H. Tankersley, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on April 7, 1871. Said Mollie Bates was then an infant. She was first married to one Sanders, and upon his death she was married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on July 26, 1894, to Walter L. Bates. Walter L. Bates and his wife, Mollie Bates, are identified on the Cherokee Census Roll of 1896. Carrie and Nicholas Sanders are the children of the principal applicant by her former husband, Sanders, and Fannie and Beulah Bates are the issue of her marriage to Walter L. Bates. The first three are identified on the Cherokee Census Roll of 1896, and Beulah Bates is identified by a birth affidavit, made a part of the record herein.

The evidence further shows that Walter L. Bates has lived with his said wife, Mollie, in the Cherokee Nation from the date of

Cherokee B-270--1012.

his marriage to her until his imprisonment, on September 14, 1902. Upon his release, he resumed the marriage relation and continued to live with his said wife, up to and including September 1, 1903. Nellie Bates has resided in the Cherokee Nation continuously for thirty years. The children applicants herein are considered to have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Nellie Bates, Garvie Sanders, Nicholas Sanders, Mamie Bates and Beulah Bates should be enrolled as citizens by blood, and that Walter L. Bates should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 25, 1896, (29 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.
Acting Chairman.

(SIGNED).

T. B. Needles.
Commissioner.

(SIGNED).

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 30 1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Shawnee, Oklahoma,
Tulsa, Okla., July 10, 1904.

In the matter of the application of Jessie Alberty for
the enrollment of herself and daughter, Master Alberty, as Cherokee
Freedmen.

SUPPLEMENTAL TESTIMONY.

PEARL E. BROWN, being duly sworn and examined by the Com-
mission, testified as follows:

- Q What is your name? A Pearl E. Brown.
Q How old are you? A About 37 or 38.
Q What is your post office? A Lenapeh.
Q You are a Cherokee Freedman are you? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q What is your wife's name? A Master Alberty.
Q Is she a daughter of Jessie Alberty? A Yes sir.
Q When were you and she married? A 1902.
Q What day? A I don't know what day.
Q Do you remember what month it was in? A December I think.
Q December 1902? A I think it was on Thanksgiving day.
Q It was in November then, 1902? A Yes sir.
Q Are you and she living together now? A Yes sir.

Mary B. Riser, being duly sworn, states that as steno-
grapher to the Commission to the Five Civilized Tribes, she correct-
ly recorded the supplemental testimony in this case and that the
foregoing is a true and complete transcript of her stenographic
notes thereon.

Subscribed and sworn to before me
this 23rd day of July, 1904.

Mary B. Riser
John
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

AILSON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-270 & D-1812.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

W. V. Hastings,

**Attorney for the Cherokee Nation,
Vinita, Indian Territory**

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of Nellie Bates for the enrollment of herself and her minor children, Carrie and Nicholas Sanders and Fannie and Beulah Bates, as citizens by blood, and for the enrollment of her husband, Walter L. Bates, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. N-2174

~~Decision~~
IN THE MATTER OF THE APPLICATION OF

~~Mollie Butler et al~~

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

~~A Original testimony of 12/1/00~~

~~J. W. King of Application of 12/1/00~~

~~I. Supplemental testimony of 12/18/00~~

~~Birth certificate of Beulah~~

~~Notice of final consideration 3/1/01~~

~~I. Order closing testimony 3/11/01~~

~~Ch.~~

to

See to her shoe jacket no 8012

Cher D 871

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Okla., A. T., December, 1st 1900.

In the matter of the application of George F. Beavers for the enrollment of himself, wife, children and step-children as Cherokee citizens, he having been first duly sworn before Commissioner T. S. Needles, testified as follows:

- Q What is your name? A. George F. Beavers.
Q What is your age? A. 43.
Q What is your present office address? A. Wilson Springs.
Q What district do you live in? A. Seingshake District.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood or inter-marriage? A. By inter-marriage.
Q Who do you desire to have enrolled? A. Myself, wife and family.
Q What is the name of your wife? A. Francis.
Q Have you a certificate of marriage? A. Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to Mrs. Jeannette Teney, a Cherokee citizen by blood on the 26th day of January 1893.

- Q Is Jeannette Teney still living? A. No sir.
Q When did she die? A. In 1898.
Q Have you married since? A. Yes sir.
Q What is your present wife's name? A. Francis R.
Q Have you a certificate of marriage to her? A. Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married to Mrs. Francis Parris, on the 24th day of May 1898, according to the laws of the United States; said marriage being solemnized in the State of Arkansas and County of Benton.

- Q Is Francis Parris a Cherokee citizen by blood? A. No sir.
Q A Non-citizen? A. An adopted citizen.
Q What was her first husband's name? A. Jesse Parris.
Q Was he a Cherokee citizen by blood? A. I suppose so.
Q Is he living? A. No sir.
Q What was her mother's name? A. Emma.
Q Is she living? A. Yes sir.
Q Was a Cherokee citizen by blood? A. No sir.
Q Was your first wife living when you married your second one? A. No sir.
Q Was her first husband dead at the time? A. Yes sir.
Q Give me the names of your children? A. I have a step-son by my last wife named Joseph J. Parris.
Q How old is he? A. 15.
Q What was his father's name? A. Jesse Parris.
Q What was his mother's name? A. Francis Parris.
Q Do you apply for him? A. Yes sir.
Q Any other children? A. Yes sir my son by my first wife, named Willie Beavers.
Q How old is he? A. 14.
Q Any other children? A. Yes sir, Charles A. Beavers.
Q How old? A. 10.
Q Who is the mother of him? A. Francis R. Beavers.
Q He is a half brother to Willie then? A. Yes sir.
Q Next child? A. Kate L. Beavers.
Q How old? A. 8.
Q Next child? A. John F. Beavers.
Q How old? A. 6.
Q Next child? A. Mary E. Beavers.

George P. Beavers 73.

Q How old is Mary? A. 4.
Q Next child? A. George P. Beavers.
Q How old? A. 3.
Q Next child? A. That is all.

1886 roll, page 818, (No number given) George P. Beavers, Goingsnake.
1886 roll, page 593, No. 1388, Janette Toney, Illinois dist. N. C.
1886 roll, page 483 No. 1388, Jeanne Parris, Goingsnake dist. N. C.
1886 roll, page 819, (No number given) Francis Beavers, Goingsnake. i. v
1886 roll, page 726, No. 818, William Beavers, Goingsnake dist.
1886 roll, page 776, No. 1874, Jesse J. Parris, " " "

The name of Jesse J. Parris is found on the census roll of 1886, and he is identified as the son of ~~Seagankixkumux~~ Jesse Parris, whose name is found on the authenticated roll of 1886, and of his wife Francis Parris, and satisfactory proof is made as to the marriage of the said Jesse Parris and Francis Parris, said proof having been filed with this case; consequently the said Jesse J. Parris will be duly listed for enrollment as a Cherokee citizen by blood.

The name of William Beavers appears on the census roll of 1886 and he is identified as the son of the applicant George P. Beavers and his first wife, Jeannette Toney, whose name appears on the 1886 authenticated roll under her maiden name; consequently the said William Beavers will be duly listed for enrollment as a Cherokee citizen by blood.

The applicant also applies for the enrollment of himself, wife and his children, Charles A., Kate L., John F., Mary E., and George W. Beavers, all children by his present wife, Francis Beavers, whom he avers was the widow of Jesse Parris. The name of the said Francis Parris is found on the census roll of 1886 as an inter-married white under the name of Francis Beavers, her present name. The applicant, George P. Beavers also appears on the census roll of 1886 as an inter-married white. The names of their children, Charles A., Kate L., John F., Mary E., and George W. Beavers are not found on any of the rolls of the Cherokee Nation. It is averred that the last five children names are the children of Francis Beavers by her present husband George P. Beavers, satisfactory proof of marriage being presented, certifying that they were married on the 9th day of May 1886 according to the laws of the United States and in the State of Arkansas. Now comes the Cherokee Nation and protests against the enrollment of the said George P. Beavers, and his wife Francis Beavers and his children by said wife, namely, Charles A., Kate L. John F., Mary E., and George W. Beavers, pleading that the provisions of Section 668 of the Compiled Laws of the Cherokee Nation of 1882, prohibited the enrollment of said parties, to-wit:- George P. Beavers, and his wife Francis and the children as named herein. Consequently the final judgment as to the enrollment of George P. Beavers and his wife Francis, and their children as named herein, will be suspended and they will be placed on a doubtful card for further consideration

Chas. von Weine, being first duly sworn, states upon his oath that he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weine

Subscribed and sworn to before me this the 3rd of December, 1900.

[Signature]

Supl. C.D. #871.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL IN THE MATTER OF THE ENROLLMENT OF GEORGE P.
BEAVERS, ET AL., as citizens of the Cherokee Nation:

The applicant and his attorney, Anthony Grafton, Muskogee, Indian Territory, were notified by registered letter February 19, 1902, that the application of George P. Beavers for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date they might appear before the commission and introduce any further testimony affecting his application. Receipt has been acknowledged of Commission's registered letter, both by the Applicant and his attorney. The applicant having this day, to-wit: the 11th day of March, 1902, been called and fails to respond either in person or by attorney, the case is considered completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings had this day in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

In the matter of the application of GEORGE P. BEAVERS for the enrollment of himself, his wife, FRANCIS R. BEAVERS, and his children, CHARLES A., KATH L., JOHN F., MARY E. and GEORGE R. BEAVERS, as citizens of the Cherokee Nation.

The record in this case shows that on December 1, 1900, George P. Beavers appeared before the Commission at Tahlequah, Indian Territory, and made application, among others, for the enrollment of himself, his wife, Frances R. Beavers, and his children, Charles A., Kate L., John P., Mary E. and George R. Beavers as citizens of the Cherokee Nation. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said George P. Beavers, a white man, was first married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 28, 1883, to Jeannette Tenay, a citizen by blood of the Cherokee Nation. His said wife Jeannette died in 1886. On May 9, 1888, the said George P. Beavers married one Frances Parris, a white woman. It appears that the said Frances Parris, at the time of her marriage to George P. Beavers, was the widow of one Jesse Parris, a citizen by blood of the Cherokee Nation, to whom she was lawfully married on April 22, 1880. The above named children are the issue of the marriage between George P. and Frances R. Beavers, formerly Parris, and their rights to enrollment are based upon such rights of Cherokee citizenship as are possessed by their parents. George P. Beavers and his wife, Frances R. Beavers, are identified on the Cherokee Census roll of 1896.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Section 666, of the Compiled laws of the Cherokee Nation (1892) provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the application for the enrollment of George P. Beavers, Frances R. Beavers, Charles A. Beavers, Kate L. Beavers, John P. Beavers, Mary R. Beavers and George R. Beavers as citizens of the Cherokee Nation should be denied under the said provisions of the Act of Congress above quoted, and it is so ordered.

Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory.

 th1. |

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 871.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 31, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enclosure H. No. 24.

Acting Chairman.
Commissioner

COMMISSIONERS.
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 871.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 30, 1902, rejecting the application of George P. Beavers for the enrollment of himself, his wife, Frances R. Beavers, and his five minor children, Charles A., Kate L., John F., Mary E. and George R. Beavers, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 1, 1902.

Respectfully,

Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

George P. Beavers et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Oath of Allegiance 12/1/00.

B. Memo. of Application of 12/1/00.

C. Marriage license and certificate

D. Marriage license and certificate

E. Certified copy of marriage certificate

F. Receipt for copy of testimony

G. Birth certificate of George P.

H. Birth certificate of John P.

I. Birth certificate of Mary

J. Birth certificate of Charles A.

K. Birth certificate of Kate F.

L. Notice of final consideration, 3/11/02

Done at

See Cherokee Jacket #5928

Cher D 872

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 1, 1900.

In the matter of the application of Clark L. Collins for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner C. H. Brackinridge, testified as follows:

- Q Give me your full name. A Clark L. Collins.
Q How old are you? A 34.
Q What is your occupation? A Tahlequah.
Q Do you live in Tahlequah district? A Yes sir.
Q Was it you who went to have enrolled? A Myself and my wife and one child.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What is your wife, a Cherokee by blood or a white woman? A White woman.
Q How long have you lived in the Cherokee Nation? A Ever since about '74 or '75 I believe.
Q Are you on the roll of 1880? A No sir.
Q Why are you not on that roll? A I don't know why. I was going to school here at the Seminary; me and my sister. The Census takers missed us. My father was dead and my mother married a white man, and they never went to their house at all. We were at school.
Q Give me the name of your father. A Ira J. Collins.
Q He died before the roll of 1880 was made? A Yes sir; He died before we ever got on any roll at all. He died before we came to this country.
Q Where did he come from? A From Georgia.
Q Had he been admitted? A No sir, he hadn't been here long. His brother was admitted.
Q Your father a Cherokee or white man? A He was a Cherokee.
Q Give me your mother's name? A Mary P. Welch, is her name now.
Q Is she a Cherokee or white woman? A She's a Cherokee; she was admitted by the Dawes Commission.
Q Weren't you admitted at the same time? A I never tried; I was claiming blood from my father. I was always recognized.
Q Did she apply to the Dawes Commission under the name of Welch?
A Yes sir.
Q She's alive now is she? A Yes sir.
Q She's not on the roll of 1880? A No sir.
Q What is the name of her present husband? A Thomas J. Welch.

The records of the Commission, Booklet B, page 408, Commission No. 5363, show that on September 8th, 1896, application was made to the Commission for admission to citizenship as Cherokees by Thomas J. Welch and Mary P. Welch, et al. Mary P. Welch was admitted as an intermarried citizen. Thomas J. Welch, her husband, and their children were denied. No appeal was taken from this decision.

- Q Thomas J. Welch is a white man, is he? A Yes sir.
Q How many children has your mother be her present marriage? A Two.
Q How old are they? A About 16 and 18.
Q What are their names? A Jessie and Jesse Welch; Jesse is the oldest I think; Jessie is a girl and Jesse a boy.
Q Was there a special act of the National Council of the Cherokee Nation passed with reference to you on December 12, 1884? A Yes sir. We got our money.
Q What money? A We got our 1880 money.
Q Have you a copy of that act? A No sir, Oll. Kase give me that paper; I never went up after the copy.
Q Do you claim that act also provided for your name being put on the 1880 roll; do you claim that? A Yes, we ought to be there.
Q Give me the name of your wife. A Kaseada Collins, was at wife.

2- C. L. S.

Q How old is your present wife? A 19 I believe.
Q She's a white woman you say? A Yes sir.
Q When did you marry her? A Three years ago in July.
Q What was her age when you married her? A Fifteen.
Q Was she ever married except to you? A No sir.
Q You had been married once before you say? A Yes sir.
Q What was the name of your former wife? A Eliza Hughes.
Q Was she a white woman? A Yes sir.
Q When did you marry her? A About 15 years ago; about 1887 or '88.
Q Is she dead? A No sir.
Q When did you and she separate? A In '93.
Q She was a white woman was she? A Yes sir.
Q Did you get a divorce from her? A No sir.
Q There was no divorce granted between you? A No sir. I was sent off to jail and she married while I was gone.
Q You never got any divorce from her? A No sir.
Q This child that you apply for is the child of the present marriage? A Child of my first wife.
Q What is the name of the child? A Ira J. Collins.
Q How old is the child? A He's about 9 years old, soon will be 10.
Q He's living now is he? A Yes sir.
Q Is he living with you? A Yes sir.
Q When did you come back from prison? A I come back two years after I was sent away; in the fall of 1895 I came back.
Q Has this child been living with you ever since? A Yes sir living with me all the time.
Q How long were you in prison? A 82 months.
Q What were you sent to prison for? A Selling whiskey.
Q This wife, Eliza, was she ever married before she married you? A No sir.
Q How old is she now? A She's about 28 or 3 I guess; I don't know exactly.
Q You married her 15 years ago? A About 13 years ago.
Q That would make her 11 years old when you married her? A She was older than that; she was about 15. She must be about 28 or 29 I guess.
Q Have you any certificate of your marriage to her? A No sir.
Q What is her present name? A Eliza Wofford.
Q Where is she living? A She lives on Spring Creek, about 20 miles from here.
Q What is the name of her husband? A Nathaniel Wofford; they call him Than.
Q Is real name is Nathaniel? A Yes sir.
1895 roll; page 1185, 1885, Clark Collins, Tahlequah district.
Q You say your wife Eliza was a Cherokee? A No sir, she's a white woman.
1893 roll; page 1185, 1886, Ira J. Collins, Tahlequah.
Q You have no certificate of your marriage to your wife, Eliza? A No sir.
Q This man Wofford she married, is he a white man? A No sir, he's a Cherokee.
Q Was she married to him in 1896? A No sir, before that.

Commissioner Brackinridge-

The applicant applies for the enrollment of himself, his wife, and one child. He states that he has lived in the Cherokee Nation since 1874 or '75. He is not identified on the roll of 1880, but states that he was the subject of a special act of the Cherokee Council approved Dec. 12, 1884, recognizing him in substantial form as a Cherokee by blood. The records of the Dawes Commission as set forth in the testimony, show that his mother under her present name, was admitted to Cherokee citizenship as an inter-married citizen in 1884, but her present husband and their children were denied. It is not seen at this time how this record can be corrected, inasmuch as she is said to be a white woman and her pre-

THE UNIVERSITY OF CHICAGO

1. The holder of the passport is a citizen of the United States of America.

[illegible][illegible]

1. Expenditures for the year ending 1900 were \$1,000.00, of which \$500.00 was for the purchase of land, and \$500.00 was for the purchase of stock.

— 100 —

EXHIBIT 2 872.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., December 3rd, 1900.

There now appears CLARK E. COLLINS, and supplements his testimony in his application No. 872, and he calls attention to the law passed at the extra session of the Cherokee Council in 1894, approved November 12th of the same year, as indicated by a printed copy filed herewith, stating the Supplemental Roll providing that \$50.00, the same being the per capita for the year 1900, to be paid to the persons therein named, and among them appears the name of Clark Collins, which the applicant claims to be his name and intended for him. In the same connection appears the name of Essie Collins who he states was his sister.

Q Is your sister Essie living? A. No sir.
Q When did she die? A. About three years ago.

This law does not appear in the 1900 edition of the laws of the Cherokee Nation accessible at this time to the Commission. The printed copy quoted from is filed herewith, and in connection, with this testimony will be filed with applicants case D. 872.

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Chas. von Meise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings and the same is a full, true and correct transcript of his stenographic notes of said proceedings.

Chas. von Meise

Subscribed and sworn to before me this the 3rd of December, 1900.

[Signature]

Commissioner.

[The page contains extremely faint, illegible markings.]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Ok., December 8th 1900.

Supplemental testimony in the case of Clark Collins, D. 572.
Clark Collins being sworn before Commissioner Brackinridge testified as follows:-

Q What is your name? A. Clark Collins.

Q You applied for enrollment at this place on December, 1st 1900? A. Yes sir.

Q You filed the other day a printed copy of the Cherokee law passed in Extra Session in the year 1884, and since then you have handed in an official written copy authenticating certificate, have you? A. Yes sir.

A copy certified written copy of the law is recognized as being on file in his case, confirming the evidence quoted previously from the printed law.

Q There was another point that you were to establish and that was your marriage to your former wife, the mother of that child. A. I cannot do that.

Q Can't establish it by personal proof either? A. No sir.

Q Have you a copy of the decree of divorce from that wife? A. I cannot supply that.

Q You want to file now the certificate of Robert Ross that you went to school at the Male Seminary in the year 1880 while he was Supt. of the same? A. Yes sir.

Q We would rather have Mr. Ross testify in person. A. He is here.

ROBERT B. ROSS called and sworn as a witness, testified as follows:-

Q What is your name? A. Robert B. Ross.

Q How old are you? A. 55.

Q What is your post office? A. Parkhill.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Do you know Clark L. Collins? A. Yes sir.

Q You were formerly Superintendent of the Male Seminary of the Cherokee Nation were you not? A. Yes sir I was in 1879 and 1880.

Q Did Mr. Collins attend that Seminary then? A. Yes sir, he was a Primary Scholar.

Q Is that a class of scholars that the Nation defrays all, and to which class only persons who are recognized as Cherokee by blood are admitted? A. Yes sir.

Q Did he have a sister named Annie? A. Yes sir.

Q Is she living? A. No sir.

Q Has Mr. Collins always continued to live in the Cherokee Nation since attending the Seminary? A. I have never heard of him living elsewhere.

THIS WILL BE FILED IN THE CASE OF CLARK L. COLLINS

D-572.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 13th of December, 1900.

Chas. von Weise
Commissioner.

Four copies with D 372.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

In the matter of the application of Eliza Wofford for the enrollment of herself and children as citizens of the Cherokee Nation; said Wofford being sworn and examined by Commissioner Bruckinridge, testified as follows:

Q Give me your full name? A Eliza Wofford.
Q How old are you? A 26 years old.
Q What is your post office? A Tahlequah.
Q Do you live in Tahlequah district? A No, sir, Saline District.
Q Who is it you want to have enrolled? A My little boy here and myself; two children.
Q Yourself and two children? A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q When were you married? A I have got the papers here.
Com'r:--The applicant presents a license issued by the Clerk of the United States Court, First Judicial District, Indian Territory, May 24, 1894, authorizing marriage between Eliza Hughes and Than Wofford. The certificate shows that they were married on the 1st of June of the same year, by the Rev. William D. Thompson. These documents are filed herewith.
Q Were you ever married before you married this husband? A No, sir.
Q Was he a Cherokee by blood? A Yes, sir.
Q Is he alive or dead? A He is alive.
Q Are you not living with him at this time? A Yes, sir, we are living together.
Q Why don't you apply for his enrollment? A He says he is not going to enroll himself.
Q Have you lived with him ever since you and he were married? A Yes, sir.
Q Was he ever married before he married you? A I do not know whether he was or not.
Q Where is your husband? A He is sick.
Q Sick at home? A He is up in Town.
Q You do not know whether he was ever married before or not? A No, sir.
Q How old is your husband? A I do not know how old he is.
Q About how old is he? A I guess he is about 45.
Q Give me the name of his father? A Aleck I believe.
Q Is he dead? A Yes, sir.
Q Give me the name of his mother? A I do not know her name.
Q Is she dead? A Yes, sir, both of them.
Q Give me the names of his children? A Samuel.
Q How old is that child? A He is five years old.
Q The next one? A That is all I have got.
Q You said two children? A Yes, sir.
Q Where is the other child? A I never was married lawfully but once; I have got two children.
Q You have one child of this marriage? A Yes, sir.
Q Now, what is the name of that other child you were applying for? A Ira Jackson Collins.
Q Is this child, Ira Jackson Collins, a child of yours? A Yes, sir.
Q You say you were never lawfully married to the father of this child? A No, sir.
Q How old is this child? A It is ten years old, soon will be.
Q You and he lived together about six years? A Yes, sir.
Q Did you ever live with any man before that? A No, sir.
Q Had he ever lived with any other woman before that? A A No, sir.

Eliza Wofford--2.

Q You lived in the same house? A Yes, sir, kept house.
Q Did you hold each other out to the world as husband and wife?
A Yes, sir.
Q You never got a divorce from that man Collins? A We was not lawfully married.
Q You do not think you were? A No, sir.
Q You held each other out as husband and wife? A Yes, sir, we just lived together as husband and wife.
Q You were known as his wife and went by his name? A Yes, sir.
1880 Roll; page 825, #2693, Than Wofford, Tahlequah.
1896 Roll; page 1270, #3768, Nathaniel Wofford, Tahlequah.
Q Who do you say is the father of this child, Ira Jackson Collins?
A Clark L. Collins.
Q He is living now? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and two children: One of the children, Samuel Wofford, is a child of Than Wofford, to whom she is shown to have been married June 1, 1894. The other child, Ira Jackson Collins, is her child by Clark L. Collins, with whom she lived a number of years ago. She is a white woman. Her present husband, Than Wofford, is identified on the rolls of 1880 and 1896 as a native Cherokee. No application is made for him as he is said to express an unwillingness to apply. He is identified on the roll of 1880 with a wife, Rose, who is not known to be dead at this time. The applicant has professed a lack of knowledge as to whether her husband was previously married. Reference to case D 872 in the case of Clark L. Collins, shows a strong presumption of a common law marriage in the Cherokee Nation between the applicant and the man with whom she has lived. No divorce was ever obtained between the applicant and that man with whom she first lived, and therefore it is extremely doubtful whether her present marriage confers upon her any right of citizenship, and if not right is conferred upon her, no right is conferred upon the child of hers, Samuel. The applicant herself is not identified on the roll of 1896, nor is the child, Samuel, though it is old enough to be upon that roll, and her marriage occurred six years ago. Giving her the benefit of whatever exist in the case, she will now be listed for enrollment upon a doubtful card, she being classed as a Cherokee by adoption. And when a certificate of the birth of the child, Samuel, who as stated is not identified on the roll of 1896 is supplied to the Commission, this child, Samuel, will be listed as a Cherokee by blood, upon a doubtful card to await the determination of the status of his mother and a copy of this testimony will be filed with case D. 872, the same being the case of Clark L. Collins et al., said Collins being, according to the testimony, the man with whom this woman lived as his wife for a number of years prior to her marriage to Wofford, and as she states, the first man with whom she ever lived in the professed relation of a wife.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 17th day of December, 1900.

Commissioner
Commissioner.

Supl.-C.D.#872.

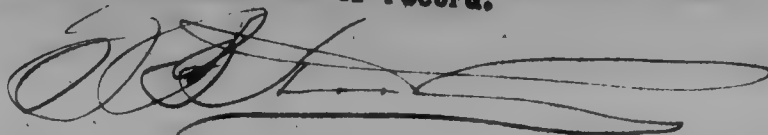
Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of CLARK L. COLLINS, HT AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of commission's letter, and the applicant this day appears in person and by his Agent, J. R. Sequichie.

Mr. W. W. Hastings, Cherokee Representative, present.

The Agent for the applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.



J.O.R.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clark L. Collins for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage of the Cherokee Nation, consolidating the applications of:

Clark L. Collins, et al., Cherokee D 872
Kansada Collins, " R 437

D E C I S I O N

The record in these cases shows that on December 1, 1900, Clark L. Collins appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 3 and December 8, 1900, and a copy of the testimony taken at Tahlequah, Indian Territory, on December 13, 1900, in the matter of the application of Eliza Wofford has been filed herewith and made a part of this record.

The evidence shows that Clark L. Collins is the son of one Ira J. Collins, deceased, by his wife, Mary P. Collins, now Mary P. Welch. Clark L. Collins is not identified on the Cherokee authenticated roll of 1880, but on examination of the Cherokee tribal rolls in possession of this Commission, his name is found on the Cherokee strip payment roll of 1894 and the Cherokee Census roll of 1896, and, from an examination of the proceedings of the Cherokee National Council at an extra session held in 1884, it appears that the sum of \$33.10 was set apart to pay the per capita for the year 1880 of certain persons, among whose names appears that of Clarke Collins, who is identified as the principal applicant herein. The evidence further shows that Mary P. Welch, the mother of Clark L. Collins, filed her original petition for herself, among others, with the Commission to the Five Civilized Tribes, for admission as a citizen of the Cherokee Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and that said Mary P. Welch was admitted as an intermarried Cherokee citizen by virtue of intermarriage with her former husband, Ira J. Collins, the father of said Clark L. Collins.

Kansada Collins, a white woman, was married to the said Clark L. Collins in 1897. Section twenty-six of the Act of Congress approved July 1, 1902 (Public-No. 241), and duly ratified as provided in section seventy-five thereof, provides:

".....no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

The evidence further shows that Ira J. Collins, the minor applicant herein, is the son of Eliza Hughes, nee Eliza Collins, a white woman, and the said Clark L. Collins. It appears that Clark L. Collins and Eliza Hughes lived together, and said Hughes was, as husband and wife for about six years, and were at that time that Ira J. Collins is the result of, and was born during that cohabitation, and is, therefore, the son of said Clark L. Collins. Upon an examination of the Cherokee Tribal Rolls in the possession of this Commission, it is found that the said Ira J. Collins is identified on the Strip Payment Roll of 1886 and the Cherokee Census roll of 1896.

The evidence further shows that the said Clark L. Collins has resided in the Cherokee Nation since about 1874 or 1875 and the residence of his child, the said Ira J. Collins, is considered to be that of his father, with whom he is living.

It is, therefore, the opinion of this Commission that Clark L. Collins, and Ira J. Collins, should be enrolled as citizens by blood of the Cherokee Nation and that the application for the enrollment of Kansasa Collins as a citizen by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1908 (35 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Acting Chairman

(SIGNED) T. B. Needles
Commissioner

(SIGNED) C. B. Breckinridge
Commissioner

Muskogee, Indian Territory,

this JAN 15 1903

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-872.
Cherokee R-437.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

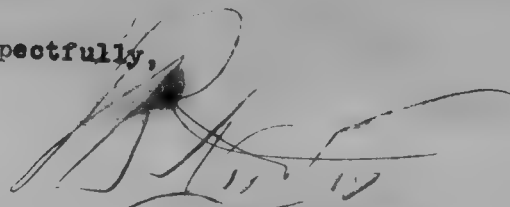
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, granting the application of Clark L. Collins for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood, and rejecting his application for the enrollment of his wife, Kansada Collins, as a citizen by intermarriage of the Cherokee Nation

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-6.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON D. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-872 & R-437

Muskogee, Indian Territory, February 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et al., as citizens of the Cherokee Nation, together with the Commission's decision, dated January 15, 1903, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kansada Collins.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-872.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 15, 1903, granting the application for the enrollment of Clark L. Collins and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Decision

THE MATTER OF THE APPLICATION OF

Walter S. Johnson et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 12/1/00.

B. Copy of original of 12/1/00.

C. Supplemental testimony of 12/3/00.

D Supplemental testimony of 12/8/00.

E Supplemental testimony of 12/13/00.

F Certified copy of special act of National Council

G Printed copy of special act of National Council

Co

H Notice of final consideration, 3/11/02

I Order closing testimony, 2/1/02.

See to be sent for packet No 437.

Cher D 873

CM

8/15

Commissioner Brock 12/14/20

The applicant applied for the annulment of his marriage, Jeremiah Grechani, an orphan, and a minor, who lives with him. The case is identified on the roll of 1939, with reference to the said boy for the particulars. The said case is now pending, and will be listed as a divorce of his union as soon as care for the further consideration of the application. The applicant is desirous to supply the Commission with a copy of the act of the Council to supply the Commission with a copy of the act of the Council, and the Council referral to it in the testimony, and the final decision of the Commission will be made known to him at his next hearing.

The Commission will be held "open."
E.g., Robert Langer, said... reports to full
the Commission to...
the testimony and proceedings in the case, that...
going is all right and correct transcript of his...
notes in this case.

B. G. Robertson

Subscribed and sworn to before me this 3rd day of December, 1901.

E. A. Rothermel
 This 2nd day of December, 1900

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 1, 1900.

In the matter of the application of Clark L. Collins for the enrollment of Jeremiah Orchard as a Cherokee citizen by blood; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Were we your full name. A Clark L. Collins.
Q What is your age? A 34.
Q Your postoffice? A Tahlequah.
Q Your district? A Tahlequah.
Q Who is it now you want to have enrolled? A Jeremiah Orchard.
Q He's a nephew of yours is he? A Yes sir.
Q Is he an orphan? A Yes sir.
Q A child of a sister of yours? A Yes sir.
Q How old is he? A 9 years old.
Q Your father's name was Ira J. Collins? A Yes sir.
Q And your mother, Mary P. Collins? A Yes sir.
Q Your father's dead is he? A Yes sir.
Q And your mother is still alive? A Yes sir.
Q She's at present the wife of Thomas J. Welch is she? A Yes sir.
Q Give me the name of your sister, the mother of this child? A Susie A. Orchard.
Q And her maiden name was Susie A. Collins? A Yes sir.
Q When did she die? A She died a little over three years ago.
Q How old was she when she died? A She was two years younger than myself. She would have been about 32 years old now.
Q Where was she born? A Born in Georgia.
Q When did she come to this country? A In '74 or '75, somewhere along in there.
Q Did she live here from that time until she died? A Yes sir.
Q When did she marry her husband Orchard? A In '81 or '82.
Q What was his full name? A James T. Orchard.
Q Was he a white man? A Yes sir.
Q He's dead is he? A Yes sir.
Q When did he die? A He died in the spring of 1894 I believe.
Q You claim that she was the beneficiary of an act of the Cherokee Council approved Dec. 12, 1884, recognizing her rights as a Cherokee citizen by blood in substantial form? A Yes sir.
Q And you made reference to that act for yourself in your own application? A Yes sir.
1896 roll; page 1217, #2349, Susie Orchard, Tahlequah district.
1896 roll; page 1217, #2351, Jeremiah Orchard, Tahlequah district.
Q Your sister is not on the roll of 1896? A No sir.
Q This act is looked upon as the roll? A Yes.
Q And you claim that that act authorizes her name to be inserted upon the supplemental roll of 1896? A Yes sir.
Q Your sister was not a party in the application of your mother in the case of Thomas J. Welch and Mary P. Welch, to the Dawes Commission in 1896? A No sir; we claim our blood through our father.
Q That was simply an application for your mother, her last husband, and her last children? A Yes sir.
Q Is that your understanding of it? A Yes sir.
Docket B, page 408, of the Commission records, case 5363, shows that on September 5th, 1896, application was made by Thomas J. Welch and Mary P. Welch et al for admission to citizenship as citizens of the Cherokee Nation. The records stated that Mary P. Welch was admitted as an intermarried Cherokee, and that Thomas J. Welch, her husband, and their children were denied. No appeal was taken from this decision.
Q Does this child live with you: Jeremiah Orchard? A Yes sir.
Q He's alive at this time is he? A Yes sir.
Q His mother lived in the Cherokee Nation from '74 or '75 until she died, did she? A Yes sir.

The applicant applies for the enrollment of the Hebrew, Jewish, and Samaritan, and a sister, who lives with him. The child is mentioned in the roll of 1890. With reference to the testimony for the purpose of this case, this child who is now living, will be listed as a witness by him and a collateral card for the purpose of the application. The applicant is desirous of having the application with a copy of the act of the Governor signed by him in the testimony. And the final decision of the Commission will be made known to him at his postoffice address.

E. G. Rotherberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcription of his stenographic notes in said case.

Subscribed and sworn to before me this 27th day of November, 1900.

E. G. Rotherberger
[Signature]
Commissioner.

Supl.-C.D.#473.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

SUPPLEMENTAL in the matter of the enrollment of JEREMIAH ORCHARD as a citizen of the Cherokee Nation:

The applicant's guardian, Clark L. Collins was notified by registered letter February 19, 1902, that the application of Jeremiah Orchard for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant's guardian this day, to-wit: the 11th day of March, 1902, appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

CLARK COLLINS, being duly sworn, testified as follows on part of applicant:
Commission:

Q What is your name? A Clark Collins.

Q How old are you? A 35.

Q What is your post office address? A Tahlequah, Indian Territory.

Q Are you the guardian for Jeremiah Orchard? A Yes, sir.

Commission: It is directed that a copy of "Laws of the Cherokee Nation, Extra Session" filed in the case of Clark L. Collins, D.872, be filed with and made a part of the record in this case.

Q Is there any further statement that you desire to make relative to this case? A I reckon not.

Q Do you submit the case to the Commission for final consideration?

A Yes, sir.

Commission: The applicant's guardian and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

AAS
bR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jeremiah Orchard as a citizen by blood of the Cherokee Nation.

P E T I T I O N .

The record in this case shows that on December 1, 1900, Clark L. Collins appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his nephew, Jeremiah Orchard, as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on March 8, 1902.

The evidence shows that Jeremiah Orchard is the minor child of James T. Orchard, and Susie A. Orchard, nee Collins. The evidence further shows that the said Susie A. Orchard, nee Collins, resided in the Cherokee Nation from 1874 or '75, until the date of her death in 1897. She was paid, under an act of the Cherokee National Council, her per capita share of the money due Cherokee citizens for the year 1890, and she is identified on the Cherokee Census roll of 1896. The said Jeremiah Orchard is identified on the Cherokee Census roll of 1896.

The evidence further shows that said Jeremiah Orchard has resided in the Cherokee Nation all his life, and that he was a resident of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Jeremiah Orchard should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 498), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James H. Collins
Acting Chairman.

[Signature]
Commissioner.

C. R. Richardson
Commissioner

Dated at Muskogee, I. T.

this OCT 27 1901

File with case of Jeremiah Steward, C. D. #373.

(COPY)

"Copy" Laws Cherokee Nation, (Extra Session, 1884.

Be it enacted by the National Council, That those persons whose names appear on the following supplemental roll be paid their per capita out of any monies that may be in the hands of the Treasurer for said purposes.

Be it further enacted, That the sum of thirty-three dollars and ten cents (\$33.10) be and the same is hereby appropriated out of any monies so set apart that may be in the hands of the Treasurer of this Nation to pay the per capita for the year 1880 of Mrs. Neppie Glenn, formerly McFarlin, and her daughter.

Be it further enacted, That the sum of thirty-three dollars and ten cents (\$33.10) be and the same is hereby set apart as above to pay the per capita for the year 1880 of Susie and Clarkie Collins.

Teamess Dick, Goingsmake.

Iuanee Dick, Goingsmake.

William Helton; reported by W. C. Rogers.

Barababy Roberson, Canadian.

John B. Roberson, Canadian.

David Fields, Saline.

James Taylor, Tahlequah.

Ophilee Hilderbrand, Canadian.

Flea Cern Russell, Delaware.

Henry Crittenden, Illinois.

John Beamer, Delaware.

Alice Beamer, Delaware.

Nelly Spears, Cooweescoowee; C. V. B.

Rosa Spears, Cooweescoowee; C. V. B.

George Campbell, Cooweescoowee; C. V. B.

Minnie Campbell, Cooweescoowee; C. V. B.

Brice Hilderbrand, Canadian.

George W. Horn, Canadian; reported by John Sevier.

John Vann, Cooweescoowee.

Sarah Vann, Cooweescoowee.

George Vann, Cooweescoowee.

Reid Vann, Cooweescoowee.

Joseph Vann, Cooweescoowee.

Guess Jennice, Delaware.

Emma Donnelly, Geo.; Laura E. Meeks; reported by Marma Daniel, who states that he knows them; and entitled to per capita under the law.

Anna Cernsilk, Nancy Gritts; reported by Spade and Wolf Coon.

Choowee, Nancy Choowee; reported by Senator Robbins.

Jeff McCoy, Illinois; headed in by C. O. Frye.

Charles Dick, Goingsmake.

John Stover (Cherokee), G. S., reported by Mary Stover, her son.

Frances Hessay, Goingsmake.

Mary W. Hessay, Goingsmake.

McDowell Joe, Delaware.

Lafayette Duncan, Delaware.

George Hammer, Cooweescoowee.

Rachel Hammer, Cooweescoowee.

Isaac Hammer, Cooweescoowee.

Ivy Hammer, Cooweescoowee.

Mary Hammer, Cooweescoowee.

Annie Hammer, Cooweescoowee.

Riley Hammer, Cooweescoowee.

Arthur Hammer, Cooweescoowee.

Fred Hammer, Cooweescoowee.

Eliza Hammer, Cooweescoowee.

Tahlequah, Dec. 11, 1884.

S. H. Benge, Pres't Senate.
E. C. Boudinot, Jr., Clerk Senate.

Concurred in by Council with the following amendment:
Strike out the names of Charles Dick, Timmer and Susan (Dick).
Dec. 12, 1884.

Bird Jones, Speaker Council,
W. S. Cardewy, Clerk Council,

Amendment concurred in.

S. H. Benge, Pres't Senate.
E. C. Boudinot, Clerk Senate,

Approved Dec. 12, 1884,

D. W. Bushyhead, Principal Chief.

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty, assistant Executive Secretary of Cherokee Nation do hereby certify that I have compared the above with the original on record in this office and find same to be a true copy of the record of above act.

Given under my hand and the seal of the Cherokee Nation this December 4th, 1900.

(SEAL)

(Signed) B. W. Alberty,
Assistant Executive Secretary,
Cherokee Nation.

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I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I copied the "Laws Cherokee Nation" filed in the case of Clark L. Collins, et al., and that the foregoing is a true and complete copy of the same.

J. O. Rossen

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 873.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of Clark L. Collins for the enrollment of his nephew, Jeremiah Orchard, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Acting Chairman.
Commissioner

Enclosure C. No. 123

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

W. W. Hastings,

Muskogee, I. T.

IN THE MATTER OF THE APPLICATION OF

Jermiah Orchard

FOR ENROLLMENT AS A

CITIZEN OF THE UNITED STATES.

- A Original testimony of 12/1/02
- B Memo. of Publication of 12/1/02
- C Notice of final consideration 3/11/02
- D Sup. test & order denying test 3/11/02
- E Copy of supplemental evidence

Receipt

[Handwritten signature]

Chen D 974

D 874

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 8 1900



ACTING CHAIRMAN

Applicant's Husband DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TANLEQUAH, IT., DECEMBER 3d, 1900.

In the matter of the application of Bertha K. Mann for the enrollment of herself, husband and child as citizens of the Cherokee Nation; said Mann being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Bertha K. Mann.
Q How old are you? A 20 years old this December.
Q What is your post office? A Oaks, Indian Territory.
Q In what district do you live? A In Going Snake district.
Q Who is it you want to have enrolled, yourself and family? A Yes, sir, my husband.
Q You have a husband have you? A Yes, sir.
Q And how many children? A Just this one.
Q Are you Cherokee by blood? A Yes, sir.
Q What is your husband? A He is a Cherokee by blood.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A George Miller.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Martha J. Miller.
Q Is she dead? A No, sir.
Q When were you married? A Last September, a year ago, the 27th.
Q Have you a certificate of marriage? A Yes, sir. (resents same.)
Com'r:--The applicant presents a certificate showing that she was married on the 27th of September, 1899, to Henderson Mann, (That is your husband's name is it? A Yes, sir) by the Rev. Nicholas Betting. This is filed herewith.
Q Were you ever married except to him? A No, sir.
Q Was he ever married except to you? A No, sir.
Q Now, your husband's name is Henderson Mann? A Yes, sir.
Q How old is he? A 20 years old in February.
Q How long has he lived in the Cherokee Nation? A All his life.
Q Where is he now? A In the Fort Smith jail.
Q When was he sent to jail? A He was sent to jail last month.
Q He is there awaiting trial is he? A No, sir.
Q What is he doing there serving a term of imprisonment? A Yes, sir.
Q How long has he got to stay there? A Ten months.
Q Give me the name of his father? A David S. Mann.
Q Is he alive? A Yes, sir.
Q Give me the name of his mother? A Elizabeth Mann.
Q Is she alive? A Yes, sir.
Q Give me the name of your child? A Sarah A. Mann.
Q How old is the child? A She is six months old.
1880 Roll; page 484, #1154, George Miller, Going Snake.
1880 Roll; page 484, #1155, Martha Miller, Going Snake.
1880 Roll; page 483, #1120, Dave Man, Going Snake.
1880 Roll; page 483, #1121, Elizabeth Man, Going Snake.
1896 Roll; page 505, #2088, Bertha S. Miller, Delaware.
1896 Roll; page 767, #1349, Henderson Mann, Going Snake.

Com'r Breckinridge:--The applicant applies for the enrollment of herself, her husband and one child. She is identified on the roll of 1896 as a native Cherokee. Her change of name is established by the marriage certificate filed herewith. She is too young to be on the roll of 1880, but her father and mother are identified on that roll. She will now be listed for enrollment as a Cherokee by blood. When she files a certificate of the birth of her child, Sarah K. Mann this child, also will be listed for enrollment as a Cherokee by blood.

Bertie H. Haskins.

He states that her husband is a Cherokee by blood, and that he is now undergoing a sentence in the jail at Fort Smith, Arkansas. He is too young to be on the roll of 1880 but he is identified on the roll of 1884. His father and mother are identified on the roll of 1880. For the consolidation of the official records should that be desired, the application for his enrollment will now be placed upon a doubtful card, he being claimed as a Cherokee by blood.

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F. O. Keenan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Keenan

Subscribed and sworn to before me this 3d day of December, 1900.

J. H. Smith

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Henderson Mann, as a citizen of the Cherokee Nation.

On the 3d day of December, 1900, Bertha E. Mann, appeared before the Commission to the Five Civilized Tribes, and made application for her husband Henderson Mann, as a citizen of the Cherokee Nation. The application included other parties, but as they are differently classified, they are not embraced in this decision, or considered at this time.

At the conclusion of the testimony offered at that time, the name of Henderson Mann was placed upon a "doubtful" card, for further consideration, and which has resulted satisfactorily to the Commission, and the following decision is rendered:

DECISION

--oOo--

From all the evidence of record in this case, it appears that Henderson Mann at the time of this application was between 20 and 21 years of age, and was confined in jail at Fort Smith, which fact is explanatory as far as the application by his wife for his, the said Henderson Mann's enrollment is concerned.

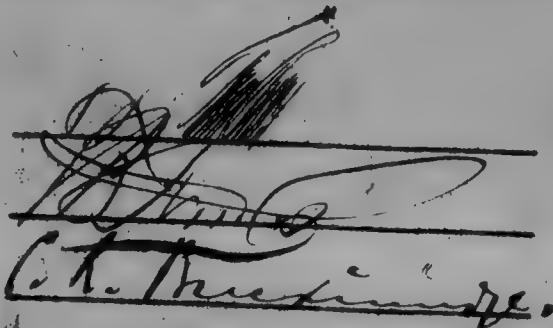
Henderson Mann is identified upon the Cherokee Census roll of 1896, page 767, No 1349. His father, Dave Mann, is identified upon the Cherokee authenticated tribal roll of 1880, as is also his mother, Elizabeth Mann.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 20, 1898 (30 Stats., 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes

is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, the aforesaid Henderson Mann being identified upon the Cherokee Census roll, as heretofore shown, and being the lawful son of native parents, it is the opinion of the Commission that Henderson Mann is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



Dated at Muskogee, Indian Territory,

this 23 day of April, 1902.

Commissioners.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-874

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

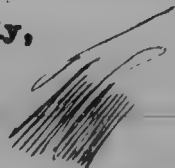
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Henderson Mann, No. D-874, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission a protest against the application of the said Henderson Mann as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-874.

D-874

IN THE MATTER OF THE APPLICATION OF

Henderson Mann

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

Henderson Mann

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

D-874

A Original testimony of 12/3/06.

B Memo of Application of 12/3/06.

6x

6

See Cherokee Jacket No. 5986

Cher D 875

Cher D 875

I have tried to identify but for the further consideration of his
 as the Cherokee Marriage as established by the license and certifi-
 cate of his wife, his name does not appear upon the roll of 1880.
 Previously married. Through the same apparent neglect, as in the
 case he married his present wife. His present wife was never
 named. He was once previously married but his former wife was dead
 since with the Cherokee law in 1880. They have lived together ever
 since. The applicant is shown to have married his wife in accord-
 ance with the Cherokee law. His wife being deceased as a Cherokee
 citizen, it will be taken under administration at this time and will
 be so neglected, he having taken steps to have them but ~~xxx~~ upon that
 of the applicant and that their omission from the roll of 1880 was
 the result of negligence in duty well established by the testimony
 of the Cherokee Nation and to a large extent taken him out, but that
 states that his ministerial duty sometimes requires him to be in
 the office the Cherokee under assignment as a Methodist Minister. He
 is it due to him being with him at Neosho, Missouri, where he is
 not identified on the roll of 1880, but the applicant states that
 established by the license and certificate filed herewith. She is
 the roll of 1880, under her married name, and her marriage is
 the roll of 1880 as a native Cherokee. She is also identified on
 at himself, his wife and four children. His wife is identified on
 Com'l. Blackmurke:--The applicant supplies for the enrollment

I was at Neosho, Missouri.

I was at the time that roll was taken and were away on duty. V
 Did you hear of any objections? V No, sir.

But on the roll of 1880? V No, sir.

Did you hear of them being any trouble about your name being
 1880 roll? V No, sir.

Your wife then Cherokee? V Yes, sir.

in.

myself and wife and two daughters. I filed certificates and sent them

George S. Yarbrough
 Tax Collector

COMMISSION TO THE FIVE
 FILE
 DEC 22 1900

DAUGHTERFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TANLEQUAH, I.T., NOVEMBER 3d, 1900.

In the matter of the application of George S. Yarborough for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Yarborough being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A George S. Harborough

Q How old are you? A I am 40 years old.

Q What is your post office? A Neosho, Missouri.

Q In what district do you live? A Coowescoowee.

Q Who is it you want to have enrolled? A My wife and four children.

Q Do you apply for yourself too? A Yes, sir, I am a citizen by marriage.

Q Your post office is in Missouri but your home is in the Cherokee Nation? A My home proper is but I am a Methodist preacher and am stationed at Neosho.

Q You are a white man, are you? A Yes, sir.

Q Your wife is a Cherokee by blood? A Yes, sir.

Com'r:--The applicant presents a license issued by the Clerk of Coowescoowee district, June 6th, 1889, authorizing marriage between himself and Miss Minerva Wade. The certificate shows that they were united in marriage on the 12th of the same month and within the same year, by the Rev. Theo. F. Brewer. This is filed herewith.

Q Now, have you and your wife lived together ever since you were married to her in 1889? A Yes, sir.

Q Were you ever married except to this wife? A Yes, sir.

Q How often were you married before? A Once.

Q Was your former wife dead when you married this wife? A Yes, sir.

Q Was she ever married except to you? A No, sir.

Q Your wife's full name is Minerva W. Yarborough? A Yes, sir.

Q How old is she? A She is 29 years old.

Q Give me the name of her father? A Florence Wade.

Q Is he dead? A No, sir.

Q Give me the name of your wife's mother? A Brenice Meigs Wade.

Q Is she dead? A No, sir.

Q Now, has your wife made her home in the Cherokee? A Yes, sir, all her life until we married and she has been sent out with me.

Q But with that exception she has lived here all her life? A Yes, sir.

Q Do you vote outside of the Cherokee nation? A No, sir, only in Town elections.

Q You do not vote for Congressman? A No, sir.

Q Nor for Governor? A No, sir.

Q Have you or your wife any property in the Cherokee nation? A

Yes, sir, we have a farm up here at Bluejacket.

Q How long has she had that farm? A Three years, we had one down on Dog Creek before that.

Q You have kept some land interests here all the time? A Yes, sir.

Q Give me the names of your children, please? A Samuel A.

Q How old is that child? A Six years old.

Q What is the name of the next child? A Minerva.

Q How old is she? A Four years old.

Q What is the next child? A Bessie.

Q How old is Bessie? A Two years old.

Q The next child? A Ray, two months old.

Q These children are all living now are they? A Yes, sir, these four are living.

Q None of them have a middle name except Samuel? A No, sir.

1880 Roll; page 825; #2617, Minerva Wade, Tahlequah.

Q You are on the 1896 roll were you? A Yes, sir, I was not here at that time, but Mr. Duncan, who looks after my business, enrolled me.

~~Exempt~~

George S. Yarborough--2.

myself and wife and two babies. I filed certificates and sent them in.

Q Your wife drew Cherokee strip money did she? A Yes, sir.

1894 Roll; page 505, #3485, Minerva Yarborough, Tahlequah.

Q Did you hear of their being any trouble about your name being put on the roll of 1896? A No, sir.

Q Did you hear of any objection? A No, sir.

Q Now, at the time that roll was taken you were away on duty? A I was at Neosho, Missouri.

Com'r Brackinridge:--The applicant applies for the enrollment of himself, his wife and four children: His wife is identified on the roll of 1880 as a native Cherokee. She is also identified on the roll of 1894, under her married name, and her marriage is established by the license and certificate filed herewith. She is not identified on the roll of 1896, but the applicant states that is it due to her being with him at Neosho, Missouri, where he is filling the charge under assignment as a Methodist Minister. He states that his ministerial duty sometimes requires him to be in the Cherokee nation and to a large extent takes him out, but that he and his wife have retained interests in the Cherokee Nation, and always claims it as their home and do now. It is considered that the claim of residence is quite well established by the testimony of the applicant and that their omission from the roll of 1896 was due to neglect, he having taken steps to have them put ~~down~~ upon that roll; but in order that the full Commission shall pass upon the question, it will be taken under advisement at this time and ~~he~~ will be listed upon a white card. His wife being classed as a Cherokee by blood. The applicant is shown to have married his wife in accordance with the Cherokee law in 1889. They have lived together ever since. He was once previously married but his former wife was dead before he married his present wife. His present wife was never previously married. Through the same apparent neglect, ~~as~~ in the case of his wife, his name does not appear upon the roll of 1896. He is a white man. He is considered to have acquired citizenship by the Cherokee Marriage as established by the license and certificate filed herewith, but for the further consideration of his case, as indicated in the application for his wife, he will be classed now as a Cherokee by intermarriage upon a white card. The two older children, Samuel A. and Minerva, were omitted, like their father and mother, from the roll of 1896, and the two younger children, Bessie and Roy, are both of insufficient age to be upon roll. The two older children were of sufficient age to be upon the roll of 1896. These children will all four of them be classed as Cherokees by blood, but as none of them are upon any roll, the applicant is desired to supply the Commission with certificates of their birth. They will be placed upon a white card for the present with their parents.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3d day of December, 1900:

J. O. Rosson
[Signature]
Commissioner.

Supl.-C.D.#875.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE S. YARBOROUGH, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 19, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902. Receipt has been acknowledged of Commission's letter and the applicant this day, to-wit: the 11th day of March, 1902. appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

GEORGE SEALS YARBOROUGH, being duly sworn, testified as follows in his own behalf:

BY THE COMMISSION:

Q What is your name? A George Seals Yarborough.

Q How old are you? A I am 41 years old.

Q What is your post office address? A Present post office address is Neosho, Missouri.

Q You are an applicant before the Commission for enrollment of yourself, wife and children as citizens of the Cherokee Nation?

A Yes, sir.

Q Is there any statement that you desire to make relative to your application? A Why if the statement is already made is sufficient; I appeared before the Commission, if you remember, at Tahlequah and made a statement there; if there is anything else that you would like to know.

Q Do you submit the case to the Commission for final consideration?

A Yes, sir.

Commission: The applicant and representative of the Cherokee Nation present submit the same. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings and testimony had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 30, 1902.

In the matter of the application of George S. Yarborough for enrollment as an intermarried citizen of the Cherokee nation, and for the enrollment of his wife, Minerva W., and his children, Samuel A., Minerva, Bessie and Roy, as citizens by blood of the Cherokee nation.

George S. Yarborough being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A George S. Yarborough.
- Q How old are you? A Forty-two years.
- Q What is your postoffice address? A Neosho, Missouri.
- Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee nation? A Yes sir.
- Q What is your wife's name? A Minerva W. Yarborough.
- Q Is she a citizen by blood of the Cherokee nation? A Yes sir.
- Q When were you and your wife Minerva married? A The 12th of June, 1889.
- Q Had you ever been married before you married this wife? A Yes.
- Q How many times had you been married? A Once.
- Q Was your first wife a white woman? A Yes sir.
- Q What was her name? A Adelia Keys.
- Q Where were you married to her? A Boyd County, Ga. (Floyd Co.)
- Q Was she living or dead when you married Minerva? A Dead.
- Q Had your wife Minerva ever been married prior to her marriage to you? A No sir.
- Q You are her first husband and she is your second wife? A Yes sir.
- Q You and Minerva have lived together as husband and wife from the date of your marriage up to the present time? A Yes sir.
- Q You and she never were separated? A No sir.
- Q Were you and she living together as man and wife on the 1st day of September, 1902? A Yes sir.
- Q How long have you lived in the Cherokee nation? A I have lived here eight years. You see I am a minister and I have been out off and on for the last eight years.
- Q Let me see how much time you have spent in the Cherokee nation. When were you married? A The 12th of June, 1889.
- Q Where were you married? A At Spaulding College; it was called Harold when I was married.
- Q How long did you stay in the Indian Territory after your marriage to your wife in 1889? A We staid four years.
- Q That's in 1893--you staid until 1893? A Yes.
- Q Then where did you go? A My health failed and the conference changed me to Silome Springs for ten months, and then I came back here.
- Q You staid here until 1893 after you were married? A Yes.
- Q Then you were transferred to Arkansas by the conference, and staid at Silome Springs ten months? A Yes sir.
- Q What time of the year did you go to Silome Springs? A In the fall of the year, 1893.
- Q And you staid there until sometime in 1894--to when? A It was October as well as I remember when I came back.
- Q October, 1894? A Yes sir.
- Q You came back here? Where did you come to in the Territory? A I came to South McAlester and then went to Afton.
- Q You came back and went to Afton in the fall of 1894? A Yes.
- Q How long did you stay at Afton? A One year.
- Q That took you ~~xxxxxxxxxxxx~~ until 1895? A Yes sir.
- Q Then where did you go? A Neosho, Missouri.
- Q You went there in the fall or spring? A Fall of 1895.
- Q How long did you stay at Neosho? A I have been there since the fall of 1895.
- Q You or your wife or children have not lived in the Territory--actually lived in the Territory since the fall of 1895, have you? A No sir.

- Q You have lived in Neosho, Missouri, with your wife and children since 1895? A Yes sir.
- Q And your wife and children have been associated with you in all of the places you speak of? A No, not with me. They did go to all of them. When the conference moved on, they would not go with me to the conference. The conference had no doing evangelizing work.
- Q You traveled around, but your home has been in Neosho since 1895? A Yes sir.
- Q Have you got any farm in the Cherokee Nation? A Yes, I have had property in the Cherokee nation ever since I was married.
- Q What does it consist of? A Three hundred and twenty acres of land with a house and well and outbuildings.
- Q You have never lived on the farm yourself? A No sir.
- Q Your wife has not lived there since your marriage? A No sir.
- Q You have simply kept it rented out? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 11th, 1902.

B. Jones
Notary Public.

8875

[Handwritten mark]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

[Handwritten signature]
ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC . 3 1900 1900.

Name George S. Yarborough Cherokee Mus.

District Year 1896 Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes Doubtful

Married under what law Cherokee Date of marriage 1899

License Certificate

Wife's name Minerva Yarborough, ne Wade

TAHLEQUAH.

District Year 1886 Page 823 No. 2617

Citizen by blood Yes Mother's citizenship Florence Wade

Intermarried citizen Yes

Married under what law Date of marriage

License Filed DEC . 3 1900

Certificate Filed DEC . 3 1900

Names of Children:

No.	Name	Dist.	Year	Page	No.	Age
3	Samuel A Yarborough		1896			6
4	Minerva "		"			4
5	Bessie "					2
6	Roy "					2 mo

2 Certificate as Minerva Wade

3, 4, 5, 6 Affidavits to be supplied.

F.

IN RE

Application for Enrollment of

INFANT CHILD

Samuel A. Yarbrough
as a citizen of*Cherokee* Nation.

Approved,

FEB 8 1901

190

[Signature]
Commissioner.DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES**FILED**
FEB 18 1901*[Signature]*

ACTING CHAIRMAN

Card # D 875

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Cherokee Nation,
 of Samuel A. Garbrough born on the 20th day of July, 1894
 (Here insert name of child)
 Name of Father: George S. Garbrough, a citizen of the United States Nation.
 Name of Mother: Minerva W. Garbrough, a citizen of the Cherokee Nation.
 Post-office, Neesho, Missouri

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

State of Missouri, District of Newton
 County of Newton

I, Minerva W. Garbrough, on oath state that I am 29
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of George S. Garbrough, who is a citizen, by
marriage, of the Cherokee Nation, that a male child was
 (male or female)
 born to me on the 20th day of July, 1894; that said child has been
 named Samuel A., and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

L. N. Pearce
M. J. Kelly

Subscribed and sworn to before me this 8th day of February, 1901.
My term expires January 13th 1903.
M. J. Kelly.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

District

I, Robert L. Wiles, a Physician, on oath state that I
 attended on Minerva W. Garbrough wife of George S. Garbrough
on the 20th day of July, 1894; that said child is now living and is said to have been
 named Samuel A. (male or female)

WITNESSES TO MARK:

(Must be Two Witnesses)

M. J. Kelly

Subscribed and sworn to before me this 12th day of February, 1901.

AFFIDAVIT.

United States of America,)
State of Missouri,) ss
County of Newton,)

I, George S. Yarbrough, on my oath state that I am the husband of Minerva W. Yarbrough to whom a male child was born on the 20th. day of July 1894, and that said child was named Samuel A., and is still living; that when said child was born my wife was at the Springs, within a few miles of the City of Rogers, in the State of Arkansas, that Doctor Green, the doctor who waited upon my wife during her confinement, has since removed from the vicinity of Rogers Arkansas, that I have made diligent search for him, but have been unable to find him. I further state upon my oath that to the best of my knowledge and belief, from the information I have obtained, the said Doctor Green is now dead.

Geo. S. Yarbrough

Subscribed and sworn to before me this 13th day of February 1901.

My term expires January 13th 1903

M. J. Kelly
Notary Public.

Witness
H. D. Sawyer
John T. Sturgis

IN RE

Application for Enrollment of

INFANT CHILD

Mierna Yarbrough

as a citizen of


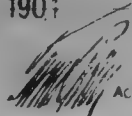
Cherokee

Nation.

FEB 18 1901

Approved,

190


Commissioner.DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.FILED
FEB 18 1901

ACTING CHAIRMAN

Card #255

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Minerva Garbrough, born on the 20th day of October, 1896
(Here insert name of child)
Name of Father: George S. Garbrough, a citizen of the United States Nation.
Name of Mother: Minerva H. Garbrough, a citizen of the Cherokee Nation.
Post-office, Neosho, Missouri

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

State of Missouri, }
County of Houston, }
I, Minerva H. Garbrough, on oath state that I am 29years of age and a citizen, by blood, of the Cherokee Nation;that I am the lawful wife of George S. Garbrough, who is a citizen, by
marriage, of the Cherokee Nation, that a female child was
(date or female)born to me on the 20th day of October, 1896; that said child has been
named Minerva, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses) L. M. Pearce
M. J. KellyMinerva H. GarbroughSubscribed and sworn to before me this 8th day of February, 1901.
My term expires January 13th 1903.M. J. Kelly, NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

State of Missouri, }
County of Houston, }I, C. J. Van Cleave, a physician, on oath state that I
attended on Mrs. Minerva H. Garbrough, wife of George S. Garbrough,
on the 20th day of October, 1896; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female)
named Minerva

WITNESSES TO MARK:

(Must be Two
Witnesses) Zeb. Mobley
J. B. GwynC. J. Van Cleave M. D.Subscribed and sworn to before me this 12th day of February, 1901.
My term expires Jan'y 13th 1903.M. J. Kelly, NOTARY PUBLIC.

9875

D

20

IN RE

Application for Enrollment of

INFANT CHILD

Bessie Yarbrough

as a citizen of the

Cherokee

Nation.

Approved, DEC 3 1900

1900

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

[Signature]

ACTING CHAIRMAN.

Co. # 9875

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Spokane Nation,
of Wesley Garbrough, born on the 14 day of September, 1898.
(Here insert name of child.)
Name of Father: Geo. S. Garbrough, a citizen of the Spokane Nation.
Name of Mother: Mrs. Minerva Wade Garbrough, a citizen of the Spokane Nation.
Post-office, Neenah, Wash.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

District State of Wisconsin
County of Neenah

I, Mrs. Minerva Wade Garbrough, on oath state that I am 34 years of age and a citizen, by marriage, of the Spokane Nation; that I am the lawful wife of Geo. S. Garbrough, who is a citizen, by marriage, of the Spokane Nation; that a male child was born to me on the 14 day of September, 1898; that said child has been named Wesley, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

D. F. Stout Minerva Wade Garbrough
Harold G. Geyer

Subscribed and sworn to before me this 27th day of November, 1900.
My term expires July 15, 1902
H. Geyer
NOTARY PUBLIC.
Neenah Co. Wis.

AFFIDAVIT OF ATTENDING PHYSICIAN,

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

District.

I, L. J. Vanhleave, on oath state that I attended on Mrs. Minerva Wade Garbrough, wife of Geo. S. Garbrough, on the 19 day of September, 1898; that there was born to her on said date a female child; that said child is now living and is said to have been named Bessie Garbrough.

WITNESSES TO MARK:

(Must be Two Witnesses.)

L. J. Vanhleave
Geo. S. Garbrough
M. J. Kelly
Harold G. Geyer

Subscribed and sworn to before me this 28th day of November, 1900.
My term expires July 15, 1902
H. Geyer
NOTARY PUBLIC.
Neenah Co. Wis.

IN RE

Application for Enrollment of

INFANT CHILD

Roy Yarbrough
as a citizen of the
Cherokee Nation.

Approved, DEC 3- 1900

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

[Signature]
ACTING CHAIRMAN

67-1-1 2870

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the U.S. Nation,
of John Joseph, born on the 27 day of Sept., 1900,
(Here insert name of child.)
Name of Father: Geo. J. Joseph, a citizen of the U.S. Nation.
Name of Mother: Ann Joseph, a citizen of the U.S. Nation.
Post-office, St. Louis, Mo.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
State of Missouri
County of Newton

1. ~~He is a~~ *He is a* ~~white male~~ *white male*, on oath state that I am ~~years of age~~ *years of age* and a citizen, by ~~of the~~ *of the* ~~United States~~ *United States* Nation; that I am the lawful wife of ~~John S. Smith~~ *John S. Smith*, who is a citizen, by ~~of the~~ *of the* ~~United States~~ *United States* Nation; that a ~~male~~ *male* child was (male or female) born to me on the ~~12~~ *12* day of ~~September~~ *September* 1 ~~last~~ *last*; that said child has been named ~~John S. Smith~~ *John S. Smith*, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.

Subscribed and sworn to before me this 37th day of November 1900
 My Com. as Notary Public Expires July 15, 1902

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, ~~OF MARIUETA~~

UNITED STATES OF AMERICA.

I, J. W. Cannon, a Physician, on oath state that I attended on Mrs. Mary Ann Westborough, wife of George S. Westborough, on the 29th day of September, 1900; that there was born to her on said date a male child; that said child is now living and is said to have been named Ray Westborough.

WITNESSES TO MARK 2

(Must be Two Witnesses.

Subscribed and sworn to before me this 28th day of November 1900
 my true and lawful
my true and lawful day 10, 1902

NOTARY PUBLIC

Marriage License.

Cherokee Nation, I.T.,

District.

To Any Person Legally Authorized to Solemnize Marriage--

Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Rev. George S. Yarborough, a citizen of the United States and Miss Minerva Wade, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 6th day of June, A.D. 1889.

J.B. Campbell,

Dept. Clerk Cooweescoowee District. C.N.

Cherokee Nation, I.T.,

District.

I, Theo. F. Brewer, a minister of the Gospel, hereby certify that on the 12 day of June, 1889, I joined in Marriage, Mr. Geo. S. Yarborough, a citizen of the United States, and Miss Minerva Wade, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 12 day of June, A.D. 1889.

Theo. F. Brewer.

I hereby certify that the foregoing Marriage License has been duly recorded as provided by law, this 26th day of June, A.D. 1889.

Wm. O. Carey, Clk. Cooweescoowee Dist.
C.N.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of George S. Yarborough, et al. D 875.

Petta Chick

1.20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Minerva W. Yarborough and minor children, Samuel A., Minerva, Bessie
and Roy Yarborough, as citizens by blood of the Cherokee Nation:

D E C I S I O N

The record in this case shows that on December 3, 1900, George S. Yarborough appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Minerva W. Yarborough, and minor children, Samuel A., Minerva, Bessie and Roy Yarborough. Said application also included the said George S. Yarborough, who claims right to enrollment as a citizen by intermarriage of the Cherokee Nation, but the status of such persons not being fixed at this time, the said George S. Yarborough is not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11 and October 30, 1902.

The evidence shows that the said Minerva W. Yarborough is a citizen by blood of the Cherokee Nation and that she is identified on the 1880 authenticated roll and the 1894 Strip payment roll of the Cherokee Nation as a native Cherokee. All the minor applicants herein are duly identified by birth affidavits made a part of the record herein.

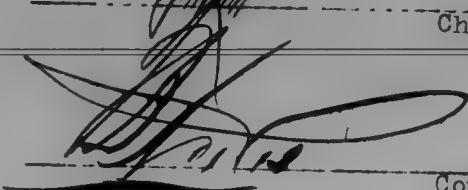
The evidence further shows that the applicant, Minerva W. Yarborough, was born in the Cherokee Nation and resided in the Indian Territory until about four years after her marriage when, in 1893, she removed with her husband to the State of Arkansas; that, in 1894, they removed to Afton, Cherokee Nation, where they resided for one year, when they again left the Indian Territory, moving to the State of Missouri; that her husband is a minister and their absence from the Cherokee Nation has been due to the fact that he was sent elsewhere by the church; that, during all the time they were absent from the Cherokee Nation, they owned improvements on lands therein and claimed said nation as their home.

Ch. D #875

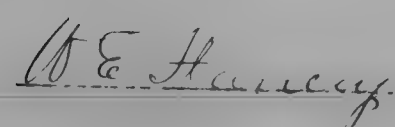
It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D #937, that Minerva W. Yarborough, Samuel A. Yarborough, Minerva Yarborough, Bessie Yarborough and Roy Yarborough should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 18 1901

FILED
FEB 20 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, E. T., FEBRUARY 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE S. YARBOROUGH as a citizen by inter-marriage of the Cherokee Nation.

GEORGE S. YARBOROUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A George S. Yarborough.
Q Are you a white man? A Yes sir.
Q Claim no rights as a Cherokee by blood? A No sir.
Q Claim by intermarriage? A Yes sir.
Q Through whom do you claim that right? A Minerva Wade Yarborough.
Q Is she a Cherokee by blood? A Yes sir.

Wife of the applicant identified on Cherokee Field Card No. 10333, and is No. 29594 upon the final roll approved by the Secretary of the Interior.

- Q What is your post office address? A Reads, Missouri.
Q Are you a minister of the gospel? A Yes sir.

The applicant exhibits marriage license and certificate showing that he was married on June 12, 1889 to Miss Minerva Wade by Rev. Theo. F. Brewer.

- Q Were you married in Muskogee? A Yes sir.
Q This your marriage license and certificate? A Yes sir.
Q Are you the Reverend George S. Yarborough mentioned in this license? A I am.
Q Is Minerva Wade your wife, the Cherokee through whom you now claim your rights? A Yes sir.
Q Were you a resident of the Cherokee Nation at the time of your marriage to Minerva Wade? A Yes sir.
Q Have you lived there ever since? A No sir.
Q Since when have you been residing in Missouri? A It has been almost 10 years since we first went out.
Q 1895 is it when you first went to Missouri? A Yes sir.
Q You haven't lived in the Cherokee Nation since that time? A Not regularly, no sir.
Q What do you mean by that? A They change us preachers every two years.
Q Have you got a home in the Cherokee Nation? A Yes sir.
Q What does that consist of? A Land now, until a short time ago it consisted of 320 acres of land with improvements on it.
Q Have you had property in your possession ever since your marriage? A Yes sir.
Q And have it now? A Not the same property but I have never been without property since our marriage.

-----oOo-----
George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 23rd day of February, 1905.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lacy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Bakridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dittthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4241	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Hendrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shump	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyle	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Edwin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengel	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynor	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Teece	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy L. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Matthe Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Pharriss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kinbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pailee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldrige	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matov	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Lannie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mill	D 1337
Silas G. Reneckar	D 966	Alfred H. Wood	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Gunn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevin	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Maddling	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mount	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenant	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauunecio	D 2831
William R. Lapox	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lala More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winne Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Seroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldrige	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lela C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
John Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

N

27870

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111

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 25 1902

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. N. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

February 18,

1902.

Mr. George S. Yarborough,

Neesho, Missouri;

Sir:-

You are hereby notified that the application of
four minor children

yourself, your wife and

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration
by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on
the 11 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-875
Register.

Yours truly,

~~XXXXXXXXXXXX~~
Acting Chairman.
Commissioner in Charge.

Muskogee, Indian Territory, October 11, 1902.

George S. Yarbrough,
Neosho, Missouri.

Dear Sir:

The Act of Congress, approved July 1, 1902, (Public No. 241), and ratified by the citizens of the Cherokee Nation August 12, 1902, provides that "the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two."

In accordance with said provision you are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as a citizen by intermarriage on September 1, 1902. It will also be necessary that you introduce further evidence as to your residence in the Indian Territory.

Please give this matter your prompt attention, as the evidence requested is necessary in determining your right to share in the allotment of lands in the Cherokee Nation, and until the same is furnished no further action will be taken looking toward your final

George S. Thompson, Jr.

enrollment as a citizen by intermarriage of the American Nation.

Please present this letter when you appear before the
Commission.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-275

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of George S. Yarborough for the enrollment of his wife, Minerva W. Yarborough, and his minor children, Samuel A., Minerva, Bessie and Roy Yarborough, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-33

Chairman.

60P

Cherokee D-875.

Muskogee, Indian Territory, October 12, 1903.

George S. Yarborough,
Neosho, Missouri.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting your application for the enrollment of your wife, Minerva W. Yarborough, and your four minor children, Samuel A., Minerva, Bessie and Roy Yarborough, as citizens by blood of the Cherokee Nation.

Respectfully,

Jame Pickens

Chairman.

Enc. D-111

Register.

Cher. D 875

Muskegee, Indian Territory, January 10, 1907.

George S. Yarborough,
Neesho, Missouri.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee D870

McKeesee, Indian Territory, March 14, 1907.

Georgia S. Yarbrough,

McKeesee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 25, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

THE MATTER OF THE APPLICATION OF

George S. Gumborough et al
FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- All original testimony of 12/3/00.*
- Memorandum of application of 12/3/00.*
- Married license and certificate*
- Birth certificate of Bessie*
- Birth certificate of Roy*
- Birth certificate of Samuel O.*
- Birth certificate of Minerva*

D875

Notice of final consideration 3/11/01
Sup. test & order dividing test 3/11/01

Cher D 876

Cher D 876

2876

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 4 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHINGTON, D.C., December 1st, 1900.

IN THE MATTER OF THE APPLICATION OF Green Still for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. R. Needles, testified as follows:

- Q What is your name? A Green Still.
Q How old are you? A About twenty eight I guess.
Q What is your postoffice? A Salem Springs.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q When do you want to enroll? A Me and my wife and children.
Q What is the name of your wife? A Minnie.
Q Is she a Cherokee by blood? A No sir.
Q Have you any certificate of marriage? A Yes sir.

By Commissioner T. R. Needles: The applicant presents a marriage license and certificate of marriage, certifying that he was married to one, Minnie Storta, according to the laws of the State of Arkansas, on the 3rd day of July, 1898.

- Q What is the age of your wife? A Her age is on here; I do not know exactly.
Q Born in 1878? (No response)
Q What are the names of your children? A. The oldest is named May.
Q How old is she? A Six years old.
Q Geneva is the next one? A Yes sir.
Q Three years old? A Yes sir.
Q Just two children? A Yes sir.
Q Have you any proof of birth of this younger child?
A My mother is here.
Q You have no affidavit made out yet? A No sir.
Q Are these children all living with you at this time? A Yes sir.
Q Is Minnie Storta your first wife? A No sir.
Q Is your first wife living? A I reckon not; I do not know.
Q Were you divorced from her? A No sir.
Q What is your father's name? A George Still.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Still.
Q Is she living? A Yes sir.

(1890 Roll, Page 322, 42886, Green Still, Delaware District)
(1890 Roll, Page 322, 42886, Green Still, Delaware District)
(1890 Roll, Page 322, Minnie Still, Delaware District, 42887)
(1890 Roll, Page 322, 42884, May Still, Delaware District)

- Q Are these two children living with you now? A Yes sir.
Q What is the name of your first wife? A Martha Bell.
Q When were you married to her? A Eight or nine or ten years ago.
Q Was she a citizen or a non citizen? A Non citizen.
Q She is living, you say? A I do not know for sure whether she is or not.
Q Did you have any divorce from her when you married your other wife? A No sir.

By Commissioner T. R. Needles: The name of Green Still appears upon the authenticated roll of 1890, as well as the census roll of 1890, he being duly identified according to the page and number of the roll. And having made satisfactory proof of his residence, he will be duly listed for enrollment as a Cherokee citizen by blood.

He presents satisfactory proof of marriage to one, Minnie Starts, a non citizen, on the 3rd day of July, 1893: He avers that he was married about ten years ago to one, Martha Bell, a non citizen: Also avers that she was living at the time of his marriage to his second wife, and that he never secured a divorce: He also avers that he has two children by his present wife, May and Geneva, and the name of the older one, May is found upon the census roll of 1896: The name of the younger child, Geneva does not appear upon the said roll, having been born after same was compiled. It will be necessary for him to file with this Commission satisfactory proof of the birth of his younger child, Geneva Still.

By reason of the applicant's making no proof of divorce from his first wife, Martha Bell, his application for the enrollment of his present wife, Minnie Still will be refused: She will be rejected.

Final judgment as to the enrollment of his two children, May and Geneva Still will be suspended and their names will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of December, 1900.

[Signature]
[Signature]

COMMISSIONER.

H.

C. 2-174.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Green Still for the enrollment of his children as citizens of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of his children as
citizens of the Cherokee Nation would be taken up for final consid-
eration by the Commission at its office in Muskogee, I. T., on the
12th day of March, 1902, and that on the said date he might appear
before the Commission, either in person or by attorney, and that
opportunity would be given him to introduce any additional testimony
affecting the said application. Receipt has been acknowledged of the
Commission's letter, and the applicant, having this date, to-wit: the
12th day of March, 1902, been called, and failing to respond either
in person or by attorney, it is deemed that his case is completed,
and same will be reported to the Commission for final decision
based upon the evidence now on hand.

RECORDED
IN THE
OFFICE OF THE
COMMISSIONER OF THE
INTERIOR
MARCH 1 1902

RECORDING CLERK

I, Edw. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and
complete transcript of the stenographic notes thereof.

R.

C. B-876.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Green Still for the enrollment of his children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of his children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on the said date he might appear before the Commission, either in person or by attorney, and that opportunity would be given him to introduce any additional testimony affecting the said application. Receipt has been acknowledged of the Commission's letter, and the applicant having, this date, to-wit: the 12th day of March, 1902, been called, and failing to respond either in person or by attorney, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Cherokee D 876
Cherokee 5989

A. J. M. C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May, Geneva and Clyde Still, as citizens by blood of the Cherokee Nation.

--:--

O R D E R .

The records of this Commission show that on December 3, 1903, at Tahlequah, Indian Territory, application was made to this Commission for the enrollment of May and Geneva Still, as Cherokees by blood, and that, thereafter, an affidavit was filed with this Commission showing the birth, on February 5, 1901, of Clyde Still, and that all said applicants were duly listed for enrollment on Cherokee Doubtful card No. 876.

The records of the Commission further show that the above named applicants are children of one Green Still; that the said Green Still is a Cherokee by blood, is identified on the Cherokee authenticated tribal roll of 1880, Cherokee census roll of 1896, was listed by this Commission for enrollment as a Cherokee by blood on Cherokee card No. 5989, and is included in a partial roll of Cherokees by blood approved by the Secretary of the Interior on March 12, 1904, opposite No. 29752; and that said above named applicants were born since 1880, and have continuously lived in the Cherokee Nation since birth.

It is, therefore, ordered that the enlistment for the enrollment of May, Geneva and Clyde Still, on Cherokee Doubtful card No. 876 be cancelled and that they be listed for enrollment on Cherokee Straight card No. 5989.



Commissioner

Dated at Muskogee, Indian Territory,

this JAN 26 1905

THE MATTER OF THE APPLICATION OF
Wm. Hill
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

- A. Original testimony of 12/3/00
- D. Memo. of Application of 12/3/00
- D. Birth Certificate of Geneva.
- D. Birth affidavit
- C. Notice of final consideration, 3/14/02

D-876

JAN 27 1905

See Levine jacket no 5989.
R445

Cher D 877

Cher D 877

19877

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 3. 1900



ACTING CHAIRMAN

DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 3d, 1900.

In the matter of the application of Wiley Buten McElhaneey for the enrollment of himself, wife and children as citizens of the Cherokee nation; said McElhaneey being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name, please? A Wiley Burton McElhaneey.
Q How old are you? A 30 years old.
Q What is your post office? A Claremore.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enrolled, yourself and family? A Yes, sir.
Q How many children have you? A Three children.
Q Then yourself, wife and four children? A Yes, sir.
Q Are you a Cherokee by blood? A No, sir.
Q What is your wife? A She is a Cherokee.
Q Let me see your marriage license and certificate? A This Commission has got it.
Q Sent it to them in 1896? A Yes, sir.
Q When was it you married? A In '91.
Q Were you ever married before? A No, sir.
Q Was your wife ever married before she married you? A No, sir.
Q Now, give me your wife's full name? A Mary Ellen.
Q How old is she? A She is 24.
Q Give me the name of her father? A Jasper Chaney.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Ellen.
Q Is she dead? A Yes, sir.
Q How long has your wife lived in the Cherokee Nation? A All of her life.
Q Give me the names of your children? A The oldest is Charles Arthur.
Q How old is that child? A He is five years old.
Q The next child? A William Jasper.
Q How old is he? A He is three years old.
Q The next child? A John Henry.
Q How old is he? A He is not quite two years old.
Q These children are all living now are they? A Yes, sir.
1880 Roll; page 358, #358, W. E. Chaney, Flint.
Q Are you not on the 1896 roll? A No, sir, I sent their names in.
Q Why did you not have them put on yourself? A We were sick and not able to go.
1894 Roll; page 253, #2975, Mary McElhaneey, Cooweescoowee.
Q What is the cause that you and your family are not on the 1896 roll? A We was sick at Webberg Falls and did not get here.
Q You were in the Cherokee Nation? A Yes, sir, I could not come to Tahlequah, I was sick.
Q Did you sent in your name at all? A In 1897.
Q I am talking about the 1896 roll? A No, not the 1896.
Q You never lived out of the Cherokee nation since you married your wife in 1891? A No, sir.
Q Has she ever made her home anywhere else? A No, sir.
Q Has she ever been anywhere else? A No, sir.

Contr:--It is shown in an application made to the Dawes Commission in 1897, case No. 613, the same being the application of Wiley B. McElhaneey, the same being for himself and family, that a license was issued by the Clerk of Cooweescoowee district for marriage between himself and his wife, as stated by him, on the 10th of December, 1891, and the certificate shows that they were married in accordance with said license by the Rev. G. F. Wilson, on December 13, of the same year. This is filed with the document to which it belongs.

Wiley B. McElhanev--2.

Com'r Brekinridge:--The applicant applies for the enrollment of himself, his wife and three children: His wife is identified on the roll of 1880 as a native Cherokee. She is likewise identified on the roll of 1894, but not upon the roll of 1896. He explains that her failure to be upon the roll of 1896 was due to illness. He states that she has lived in the Cherokee Nation all her life. She will now be listed upon a doubtful card as a Cherokee by blood, it being desired to hold the case under consideration with reference to the failure to be on the roll of 1896, and for the consideration of any testimony that may be introduced in that connection. The applicant is shown to have married his wife in 1891. He states that they have lived together ever since their marriage, and that neither was previously married. He, as in the case of his wife, is not on the roll of 1896. He will now be listed as a Cherokee by her marriage upon a doubtful card for the further consideration of his application. Their three children named in the testimony are all stated to be living at this time. The oldest, Charles A., should be upon the roll of 1896, but he is not upon that roll. For the same alleged reason as that given heretofore. When the applicant shall file with the Commission duly authenticated certificate of the birth of all three of these children, they will be listed for enrollment as Cherokees by blood upon a doubtful card, and the final decision of the Commission will be made known to the applicant at his post office address.

---000000000---

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Fosson

Subscribed and sworn to before me this 3d day of December, 1900.

[Signature]

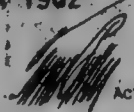
Commissioner.

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discrepancies in the Democratic, noted thereat.
hence, in this case, and from the foregoing is a true and com-
parison to the Five Civilized Tribes. I respectfully recorded the
1. Mr. Thompson, no other error, that be referred to the

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FILED
FEB 22 1902


ACTING CHAIRMAN

evidence, no of record.
he referred to the Commission, and I must declare based upon the
to record, and in general, the evidence is completed, and some will
have, to wit: the Indian day, 1902, been called, and telling
testimony, affecting his sub-Commission. The applicant having this
written statement, and the Commission, after the person of the applicant,
1. of the Indian day, of March, 1902, and that on that date, he
the Commission, and the Commission at the office in Muskogee,
children as citizens of the Cherokee Nation, would be taken up for
1902. The applicant has not the evidence of himself, and the
the applicant was notified of a registered letter, February 20,

an citizens of the Cherokee Nation.
with R. Thompson, and the applicant of himself, and the children.
BUREAU OF INDIAN AFFAIRS, in the matter of the application of
Muskogee, 1. 2. March 18, 1902.
Commission to the Five Civilized Tribes.
Department of the Interior.

R.

C. D-877.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Wiley B. McElhaney for the enrollment of himself, wife and children
as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself, wife and
children as citizens of the Cherokee Nation, would be taken up for
final consideration by the commission at its offices in Muskegee,
I. T., on the 12th day of March, 1902, and that on said date he
might appear before the Commission either in person or by attorney,
when an opportunity might be given him to introduce any further
testimony affecting his application. The applicant having this
date, to-wit: the 12th day of March, 1902, been called, and failing
to respond, it is deemed that his case is completed, and same will
be reported to the Commission for final decision based upon the
evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm Hutchinson

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., October 21, 1902.

In the matter of the application of WILEY B. McELHANEY, for the enrollment of himself as a citizen by intermarriage, and his wife, MARY E. McELHANEY, and his children, CHARLES A., WILLIAM J., JOHN H., and GEORGE S. L. McELHANEY, as a citizen by blood, of the Cherokee Nation:

WILEY B. McELHANEY, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Wiley B. McElhaney.
Q What is your post office? A Collinsville.
Q What is your age? A Thirty two.
Q Are you the same Wiley B. McElhaney that applied to the Commission for enrollment as an intermarried citizen in December, 1900? A Yes sir.
Q What is your wife's name? A Mary E.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you married to your wife Mary E? A In 1891.
Q Were you married under a Cherokee license? A Yes sir.
Q Were you ever married before you were married to Mary E?
A No sir.
Q Was she your first wife? A Yes sir.
Q Was she ever married prior to her marriage to you?
A No sir.
Q You are her first husband? A Yes sir.
Q Have you and your wife Mary E. lived together all the time since your marriage up to the present time? A Yes sir.
Q Never been separated? A No sir.
Q Were you living together as husband and wife on the first day of September, 1902? A Yes sir.
Q Has your wife lived in the Cherokee Nation ever since 1880 up to the present time? A Yes sir.
Q Have you lived in the Cherokee nation all the time since you were married to your wife up to the present time?
A Yes sir.
Q You have never lived out since? A No sir.
Q Are these children, Charles A., William J., John H. and George S. L., your children by your wife Mary E? A Yes sir.
Q Are they all living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation all their lives?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 25, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Wiley B. McElhenny for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Mary E. McElhenny, and his minor children, Charles A., William J., John E., and George S. B. McElhenny, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 3, 1890, Wiley B. McElhenny appeared before the Commission at Tallahassee, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Mary E. McElhenny, and his minor children, Charles A., William J., and John E. McElhenny, as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 31, 1902.

The evidence shows that Wiley B. McElhenny was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 13, 1891, to Mary E. Chaney, a citizen by blood of the Cherokee Nation, duly identified on the authenticated tribal roll of 1890 and the Cherokee strip payment roll of 1894. Their children, Charles A., William J., John E. McElhenny and also George S. B. McElhenny, who has been born since the date of the original application, are all identified by birth affidavits made a part of the record herein.

The evidence further shows that Mary E. McElhenny has lived in the Cherokee Nation all her life, and that her husband has lived with her continuously in said nation since his marriage to her, up to and including September 1, 1902. The minor children herein have lived in the Cherokee Nation continuously since birth.

It is, therefore, the action of this Commission that Wiley B. McElhenny should be enrolled as a citizen by intermarriage, and that his wife, Mary E. McElhenny, and his minor children, Charles A. McElhenny, William J. McElhenny, John E. McElhenny and George S. B. McElhenny, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 21, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Bixby.

Acting Chairman.

T. B. Neelco.

Commissioner.

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 877.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

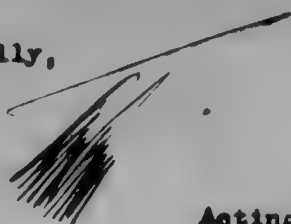
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Wiley B. McElhanev for the enrollment of himself as a citizen by intermarriage, for the enrollment of his wife, Mary E. McElhanev, and his four minor children, Charles A., William J., John H. and George S. L. McElhanev, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enclosure H. No. 419.

THE MATTER OF THE APPLICATION OF

Wiley B. McElhenny

TO BE TAKEN AS

CITIZENSHIP.

A Original testimony of '73/10

B Memos. of Application of '73/10

C Receipts acknowledging birth certificates returned

D Birth certificate of John H.

E Birth certificate of Charles A.

F Birth certificate of William J.

G Birth certificate of Geo. S. L.

H

Decision

Notice of final consideration, 3/12/02

Cher D 878

Cher D 878

87-80
Q Now, Tuesday, 1908.
A Yes, that is a right time and complete transcript of the stenographic testimony and proceedings in the above case, and that the Commission to the five civilized tribes, he received in 1911.
Q Now, Parker, being duly sworn, at the first he responded to

and that name will be placed upon a complaint card.

Q As to the defendant ex said Knops V. Sanders will be answered, correspondingly, because of conflicting testimony, that that will be to whether he was legally married to his first wife, or not; no blood is made as to a legal divorce, and no set aside blood. The testimony shows that Aaron Sanders had a wife, Elizabeth, and Sanders V. Cherokee citizens by blood, about twenty-one years ago, 1888. She makes Elizabeth's blood of her mother's to one Aaron

The name of Knops V. Sanders appears upon the Census roll of

Commissioner Knops -

I don't know.

Q Now, then, it is was required that we go into it this child, V Commissioner.

Q Now, it was required for him.

Q Now, know, it was required to enrollment, V He said he

was V Yes.

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Department of the Interior
Commission to the Five Civilized Tribes.
Tahlequah, T. T., December 3, 1900.

In the matter of the application of Rhoda A. Sanders for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rhoda A. Sanders.
Q How old are you? A 55 years old.
Q What is your postoffice? A Mayeville, Ark.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation by blood? A No sir.
Q By marriage? A Yes sir.
Q What was your husband's name? A Watson Sanders.
Q He living? A Yes sir.
Q When were you married to him? A About 21 years ago.
Q Are you living with him now? A No sir.
Q How long have you been separated from him? A About two months.
Q Did you leave him, or did he leave you? A He drove me out; his daughter done that.
Q You have got no certificate of marriage? A No sir.

Witness, R. F. Wyly, being sworn, testified as follows:

Q What is your name? A R. F. Wyly.
Q What is your age? A 73.
Q What is your postoffice address? A Tahlequah.
Q You know Rhoda Sanders? A Yes sir.
Q Have you any recollection of having married her and Watson Sanders? A Yes sir.
Q According to the laws of the Cherokee Nation? A Yes sir.
Q About what year was that, do you know? A I think it was about 21 years ago. I think it was before the roll of 1880 was made.
Q You know Watson Sanders? A Oh yes, known him for forty years.
Q Is he a Cherokee by blood? A Yes sir, full blood Cherokee.
Q You know anything about his marriage before that? A Well, No sir, nothing particularly. He had no wife at the time I married him. I was intimate with old Wat, lived in the same neighborhood. I suppose you understand how these folks lived. He had no wife at that time.

By W. W. Hastings, representative of the Cherokee Nation-to witness-

Q When were you first elected Judge of Delaware district? A About '78; I think, or '79, or '77. I guess it must have been in '77. I know I was judge in '79, and the election comes on in odd years.
Q You are not positive as to the date when this marriage took place? A No, my recollection is that it was previous to the making of the roll of 1880. I think it must have been about 21 years ago. It was after I was elected judge at that time.

By W. W. Hastings to applicant-

Q Did Watson Sanders have a wife before you? A Yes sir.; he said so.
Q She's living is she? A Yes sir.
Q Did you ever marry before you married Sanders? A No sir.
Q Never had any children before? A No sir.
Q Have you had any children by him? A Yes, four by him, but they never lived.
Q You lived with him all the time continuously until up to about two months ago? A Yes sir.
Q Never separated before? A Never had a hard thought against one another. Never quarreled any before.

Commissioner-

Q You are just applying for yourself? A Yes sir.
1880 roll; page 321, #2517, Watson Sanders, Delaware district.
1886 roll; page 529, #521, Rhoda A. Sanders, Delaware district.

2- R.A.S.

Q What is his first wife, an Indian by blood? A Yes sir.
Q You know her? A Yes sir.
Q Old Watson wasn't living with you and her at the same time?
A No sir, I wouldn't live with him. Whenever he took her back I would walk out.
Q Did she walk out when he took you in? A She wasn't around there.

By W. W. Hastings to applicant-

Q Did you know he had been married before he married you? A Yes, he told me he had a divorce from that woman.
Q How long had you lived with him before you knew it was a mistake? A I never did know.
Q Has Watson Sanders ever enrolled? A No sir, he said he aint going to.
Q Did you ever have a child? A Yes.
Q I mean before you married Watson Sanders? A Yes sir.
Q What was his name? A Johnson.
Q Where is he living? A He's living with -- I forget the man's name.
Q In the Cherokee Nation A Yes sir.
Q Near where you are? A Yes sir.
Q Haven't you been trying to get Watson Sanders to have it enrolled and call it ~~his~~ his own? A He has been adopted ever since he was little.
Q Have you been trying to get him to enroll that boy? A Yes sir.
Q Isn't that the cause of your separation? A No sir.
Q You have been trying to get him to enroll this boy of yours? A I didn't care whether he did or not.
Q You asked him to? A Yes, I asked him to.
Q You know it wasn't entitled to enrollment; that it was a white boy? A Yes.
Q You know it wasn't entitled to enrollment? A He said he had it adopted to him.

Commissioner-

Q You thought if it was adopted that would make it his child? A I don't know.

Commissioner Needles-

The name of Rhoda A. Sanders appears upon the Census roll of 1896. She makes satisfactory proof of her marriage to one Watson Sanders, a Cherokee citizen by blood, about twenty-one years ago. The testimony shows that Watson Sanders had a wife previous, and no proof is made as to a legal divorce, and no satisfactory proof as to whether he was legally married to his first wife, or not; consequently, because of conflicting testimony, final judgment as to the enrollment of said Rhoda A. Sanders will be suspended, and her name will be placed upon a doubtful card.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 3rd day of December, 1900

E. G. Rothenberger
Commissioner.

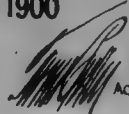
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date

DEC -3 1900

1900.

Name

Mayreville Ar.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Rhoda A. Sanders

District

DELAWARE

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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62878

These transcripts of the stenographic notes received
pursuant to the case, and that the foregoing is a true and com-
plete record of the five civilized tribes, I respectfully request the
Honorable Commission to cause the same to be filed in the
proper files of the Department of the Interior.

DEPARTMENT OF THE INTERIOR

COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED
28 1902

[Signature]
ACTING

These transcripts of the stenographic notes received
pursuant to the case, and that the foregoing is a true and com-
plete record of the five civilized tribes, I respectfully request the
Honorable Commission to cause the same to be filed in the
proper files of the Department of the Interior.

The above mentioned
transcripts of the stenographic notes received
pursuant to the case, and that the foregoing is a true and com-
plete record of the five civilized tribes, I respectfully request the
Honorable Commission to cause the same to be filed in the
proper files of the Department of the Interior.

Witness my hand and seal of office
this 28th day of March, 1902.
Commissioner of the Five Civilized Tribes

10-118

R.

C. D-678.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Rhoda A. Sanders for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. The applicant, having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

**Department of the Interior,
Commissioner to the Five Civilized Tribes**

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1020	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dussler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Apa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328
Pearl V. Sisson	2330
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldrige	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleston	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broadbuss	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B. Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Philip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirththrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Pigrow L. Jones	4641
Ada Berthoff	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalie Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Dupham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenbaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Elin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengel	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynes	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Teece	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James E. Petty	9563	Sarah L. Rogers	9891
Laura McClary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mannie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Pureell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallgm	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1040	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey-Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuncacie	D 2831
William R. Lapsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

in the sky. and down
the side of the mountain
the sun was shining
the water was clear
the air was fresh

at night
I saw
the stars
I have a dream

What she said and
I give her a letter to
write to me and be there

I am your
friend

10

10

D

17848

20/112

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 25 1902

[Signature]

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20/ 1902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mrs. Rhoda A. Sanders,

Mayesville, Arkansas.

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

on the 12 day of March, 1902,

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-878
Register.

Yours truly,

Acting Chairman

Commissioner in Charge.

Cher. D 878

Muskegee, Indian Territory, January 10, 1907.

Rhoda A. Sanders,

Mayeville, Arkansas.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____ D _____

Commissioner.

Cherokee 2378

Muskogee, Indian Territory, March 14, 1907.

Rhoda A. Sanders,

Maysville, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

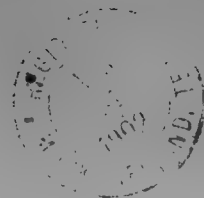
For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.

877



22
1902
ARX



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Handwritten:
J. G. Sanders
2-21-02
Muskogee, Ind. T.

Mrs. Rhoda A. Sanders

Maysville, Arkansas.

2099

CHEROKEE

D 878

Shola A. Sanders

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original test. on of 12/3/10.
B. Memo. of Application of 12/3/
C. Letter from applicant's husband
regarding separation.

D. Notice of final consideration, 3/13/11

Shola A. Sanders

D 878

Cher D 879

Cher D 879

D 879

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 4 1900

RECORDED
INDEXED

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 3, 1900.

In the matter of the application of Robert L. Brackett for the enrollment of himself as a Cherokee citizen; being sworn and examined by Com'r Brockinridge he testified as follows:

Q Give me your full name? A Robert L. Brackett.
Q How old are you? A 33 I think.
Q What is your post-office? A Moody's.
Q In what district do you live? A Tahlequah.
Q Who do you want to enroll, yourself and family? A Just myself.
Q Do you apply as a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Since 1835.
Q Were you admitted by the Cherokee Commission on citizenship?
A Yes sir.
Q Let us see your certificate? A (Produces papers)
Com'r: The applicant presents a duly authenticated certificate of admission to Cherokee citizenship, showing that on the 22 day of October 1889 R.L. Brackett was admitted to citizenship as a Cherokee by blood, holding at that time 22 years of age; this is filed herewith.
Q Now Mr. Brackett it is required by the certificate that was issued to you that you should locate with in the limits of the Cherokee Nation and enroll your name at the date of your arrival in a book to be kept for that purpose in the office of the Chief, and that no certificate of admission is for a longer period than one year from the date, unless that section is complied with.
Q You were in the Nation before you got your certificate were you? A Yes sir.
Q And you have been living here ever since? A Yes sir.
Q Not made your home out of the Nation? A No sir.
Q Did you ever enroll? A Yes sir.
Q Did you ever enroll in that book? A No, I didn't; my attorney said my post-office was marked on there.
Q You considered that being already here you were not like the others that come after they were admitted? A No sir.
Q Give me the name of your father? A My father was a white man, my mother and my father never was married, his name was Ben Jordan.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Frances J. Brackett.
Q Is she dead? A No sir.
1896 roll page 1136 #143 Robert L. Brackett Tahlequah Dist native Cherokee, 31 years old;

Com'r Brockinridge: The applicant's papers show that he was admitted to citizenship October 22 1889; he states that he has lived in the Cherokee Nation continuously since 1835, and he is identified on the roll of 1896; the Cherokee Representatives contest the admission under the proceedings of the Cherokee Court at the time mentioned, alleging irregularities that violate the legality of the proceedings; the applicant will now be listed as a Cherokee by blood, but upon a doubtful card, for the further consideration of the allegations affecting the integrity of the court and of its acts; final decision of the Commission will be made known to the applicant at his post-office address.

EX-110
A.D. Green, a juror, duly sworn, deposes that as stenographer to
the Examination of the two defendants, he has correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this December 4 1900.

J. B. [Signature]

Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D. C.
FILED
MAR 28 1902

ACTING CHAIRMAN

[illegible][illegible]

R.

C. D-879.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Robert L. Brackett for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the commission at its offices in Muskogee, I. T., on the 18th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this date, to-wit: the 18th day of March, 1902, been called, and failing to respond, it is deemed that this case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert L. Brackett for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 3, 1900, Robert L. Brackett appeared before the Commission at Tahlequah, Indian Territory, and made application for his enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Robert L. Brackett was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation on October 22, 1899. The certificate of his admission provided that he should locate within the limits of the Cherokee Nation and enroll his name at the date of his arrival in a book to be kept for that purpose in the office of the Chief, and that such removal to and location within the Cherokee Nation should be made within one year from the date of his admission.

The evidence shows that the said Robert L. Brackett was residing in the Cherokee Nation at the time of his admission to citizenship and has resided in said Nation ever since. He is identified on the Cherokee Census roll of 1896.

It is, therefore, the opinion of this Commission that Robert L. Brackett should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner

Dated at Muskogee, Indian Territory,

this AUG 19 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 879.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

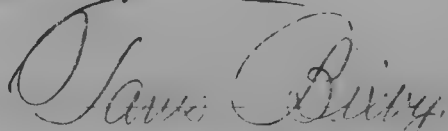
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Robert L. Brackett for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,


Acting Chairman.

Enc. C. No. 1.

THE MATTER OF THE APPLICATION OF

Alfred L. Brackett

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- 1 Original testimony of 12/3/00
- 2 Memo. of 12/3/00
- 3 Certificate of admission to citizenship
- 4 Notice of final consideration, 3/12/01

Co.
7
Co.

Reverend

Dep.
for

Trans

Cher D 880

Cher D 880

880

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 4 1900



ACTING CHAIRMAN

Department of the Interior
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 4th 1900.

In the matter of the application of Jesse D. Ham for enrollment as a Cherokee citizen. He being sworn before Commissioner Needles, testified as follows:-

Q What is your name? A. Jesse Ham..
Q Any middle name? A. I sign it Jesse D. Ham
Q What is your post office address? A. Woodley, I. T.
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By intermarriage? A. Yes sir.

Applicant presents a duly authenticated marriage license and certificate, certifying that he was married to one Mary Lucas on the 19th of May, 1889.


1880 roll, page 279 No 1507, Mary Lucas, Delaware dist.
1896 574 238 Jesse Ham

Q What is the name of your children? A. Have none.
Q Is your wife living? A. Was the last account I had of her.
Q Are you separated from her? A. Yes sir.
Q How long did you and she live together? A. About three weeks.
Q Did she leave you or did you leave her? A. She left me.
Q Have you married since? A. No sir.
Q What was the cause of her leaving you? A. She never told me, she told some that she left me because she found that she did not like me, and she told some that it was because she could not enjoy herself as a married woman.
Q Have you married since? A. No sir.
Q Living single now? A. Yes sir.
Q Has she married? A. I don't know.

The name of Jesse D. Ham appears on the census roll of 1896 and he presents satisfactory proof as to his marriage to one Mary Lucas a Cherokee citizen by blood, and her name appears on the Census roll of 1880. The averment is that she resided with him only three weeks and is not living with him at the present time, consequently, on account of the separation of said parties, the application for the enrollment of the applicant will be suspended and he will be placed on a doubtful card as a Cherokee citizen by inter-marriage.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 4th of December, 1900.

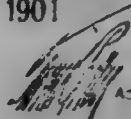
Chas von Weise


Commissioner.

D 880

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1901



ACTING CHAIRMAN.

SUPPLEMENTAL - TESTIMONY.

"D" 4880.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
HUSKOCK, I.T., FEBRUARY 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF Jesse D. Han, "D" 4880.

Jesse D. Han being sworn and examined by Commissioner, T. B. Needles testified as follows:

- Q What is your name? A Han.
Q Your full name? A Jesse D. Han.
Q What is your age? A Forty four.
Q What district do you live in? A Coconocowas.
Q What is your Postoffice? A Woodley.

By Mr. W. W. Hastings, Cherokee Representative:

- Q You applied for enrollment at Tahlequah on December 4th as a citizen of the Cherokee Nation by intermarriage, claiming that you had married one, Mary Jones? A Yes, sir.
Q Had you ever been married before? A Yes, sir.
Q When? A In '76.
Q Where? A In Missouri; Barry County, Missouri.
Q Did you and your first wife separate? A Yes, sir.
Q What was that wife's name; maiden name? A Fredonia Henaley.
Q You separated from her? A She went off with another man.
Q You never secured a divorce? A No, sir.
Q That was the last you heard of her? A Yes, sir, never have heard a word of her since.

The undersigned, John A. ... stated that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signature)

Subscribed and sworn to before me this 28th day of February, A. D., 1901.

(Signature)

COMMISSIONER.

Cherokee D 800

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 18, 1902.

In the matter of the application of Artha Williams, for the enrollment of herself and children as citizens of the Cherokee Nation:

Appearances:

J. R. Sequichie, Chelsea, I. T., for applicant;
W. W. Hastings, for Cherokee Nation.

SUSAN C. SMITH, being sworn and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Susan C. Smith.
Q How old are you ? A 62 the first day of March.
Q What is your post office address ? A Chelsea.

Examined by Mr. Sequichie:

Q Do you know George W. Williams ? A Yes sir.
Q What relation is he to you ? A He is my nephew.
Q Do you know his wife Artha ? A Yes sir.
Q What is her status ? X She is a Cherokee by blood?
A No, she is a white woman.
Q Do you remember when they were married ?
A In 1889.
Q Had your nephew George W. Williams been married before he married this woman Artha ? A Yes sir.
Q Do you remember whether they separated, or whether she died ?
A They were staying with me and they separated. She went home and he stayed with me in 1884 when they parted.
Q In this separation, how did it come up ? Did she leave him or he leave her ? A She left him, and went home.
Q Was she a Cherokee or white woman ? A She was a Cherokee by blood.
Q How long after his separation was it he married again ?
A They separated in 1884, and he married the 29th of September, 1889.
Q Well what had become of his first wife during this time ?
A She had been living with her father.
Q Did she re-marry ? A No sir, but she had two or three children.
Q She and George W. Williams were not living together ?
A No sir; hadn't been living together for five years.
Q Do you know of your own knowledge that she lived away from him, and lived with her own folks, and had children ? A. Yes sir, she would come and swear it herself.

Examined by Mr. Hastings:

Q She was living with her parents when she had these children ?
A Yes sir.
Q The father of the children was unknown ? A Yes sir.
The Commission: Mr. Sequichie do you submit this case to the Commission for final consideration ?
Mr. Sequichie: Yes sir.
The case is also submitted for final consideration by W. W. Hastings for the Cherokee Nation; and the same is closed.

1000 -2

M. E. Russell, on oath sworn, said, as requested by the
Commission to the Civilian Control Commission, under the
testimony and proceedings and in the Civilian Control Commission, that
the Foreman is a very old and experienced person of the Foreman
under control.

E. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

[Signature]

Commissioner.

MAR 27 1902

Stenographer

Stenographer notes thereof.
 and that the foregoing is a true and complete transcript of his
 I correctly recorded the testimony and proceedings in this case,
 as stenographer to the Commission to the five civilized tribes and
 I, J. C. Benson, being so sworn certify under oath that

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the evidence now on record.

will be reported to the Commission for final decision based upon
 present and past the case. The same is considered completed and

the subpoena and representative of the Cherokee Nation

Yes, sir.

Q You advise it to the Commission for final consideration?

Supl.-C.D.#880.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of JESSE D. HAM
as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt has been acknowledged of Commission's letter, and the applicant this day, to-wit: the 11th day of March, 1902, appears and requests and by agreement his case is taken up for final consideration.

Mr. W. W. Hastings, Cherokee Representative, present.

JESSE D. HAM, being duly sworn, testified as follows in
his own behalf:

COMMISSION:

- Q What is your name? A Jesse D. Ham.
Q How old are you? A 45.
Q What is your post office address? A Woodley.
Q You are an applicant for enrollment before the Commission as a citizen of the Cherokee Nation? A Yes, sir.
Q Is there any statement you desire to make relative to your application? A Well none only what I have told.
Q You submit the case to the Commission for final consideration?
A Yes, sir.

(Applicant desires to introduce some witnesses.)

THOMAS HAM, being duly sworn, testified as follows on
part of applicant:
COMMISSION:

- Q What is your name? A Thomas Ham.
Q How old are you? A I am 39.
Q What is your post office address? A Woodley, I. T.
Q You are ~~an applicant~~ acquainted with the applicant in this case, Jesse D. Ham? A Yes, sir.
Q Are you related to him? A Yes, sir.
Q How? A Brothers.
Q He is a white man? A Yes, sir.
Q Was he ever married before his marriage to his present wife, Mary Lucas? A Yes, sir.
Q What was the name of his first wife? A Wilson.
Q Was she a white woman? A Yes, sir.
Q How long did he live with her? A About three months.
Q Did they separate? A Yes, sir; that is, he left after he married her, he moved away from where we was living and moved about 60 or 70 miles and was gone during the time he was ~~in~~ with this woman, and that is I don't know that he was with her.
Q He was not living near you when they separated? A No, sir.
Q About 70 miles away? A Yes, sir.
Q You don't know anything about the separation of your own knowledge? A No, sir.

MR. HASTINGS:

- Q How long after that before he came to this country?
A We come to this country in 1880.
Q About year or two? A Yes, sir.
Q And where was he living at the time he married to his first wife?
A We was living in Barry County, Missouri.
Q Near what town? A Gadsby, but changed its name.
Q What part, near Sedalia, Springfield? A No, sir; he was living away in the southwest of Missouri.
Q Near what other town? A The largest town we was anywhere close to was Cassville, and the next largest was Keyville, and he left a year or two afterwards and come up here.
Q And you never heard any mother about that woman? A No, sir.
Q You never took any pains to find out? A No, sir.

GOODMAN BARNES, being duly sworn, testified as follows on part of applicant:
COMMISSION:

- Q What is your name? A Goodman Barnes.
Q How old are you? A 28.
Q What is your post office address? A Woodley, I. T.
Q Are you acquainted with the applicant in this case? A Yes, sir.
Q How long have you known him? A Ever since I was a little boy.
Q Did you know him when he lived in Missouri?
A No, sir, I can't recollect that far ago. He come to the Territory in '88.
Q You don't know anything about ~~xxxx first~~ his marriage? A No, sir.

MR. HASTINGS:

- Q You don't mean '88 when he come? A No, sir, it was about '80, I was a small boy.

COMMISSION:

- Q Have you known him continuously since that time? A Yes, sir; not more than a year I don't suppose I have been away from him.
Q Did you know when he married his present wife, Mary Lucas?
A Yes, sir.
Q Have they lived together ever since that time? A No, sir.
Q They separated? A Yes, sir.
Q When did they separate? A I can't give the date.
Q He only lived with his first wife a short time according to his testimony, and you say he ~~it~~ only lived with his second wife a short time? A Yes, sir.

JESSE D. HAM, the applicant, recalled:

MR. HASTINGS:

- Q What was the cause of the separation of your ~~first~~ present wife?
A She never did tell me anything; she told other she didn't like me
Q What had been your treatment towards her? A Well I treated her as well as I could.
Q Did you ever try to get her to come back after your separation?
A Yes, sir.
Q Did she refuse to come? A Yes, sir.
Q For what reason? A Didn't hear.
Q You lived with her about three weeks did you? A Yes, sir.
Q Were you married since that time? A No, sir.
Q Not married at this time? A No, sir.
Q Where is she now? A She was at Fort Smith the last account I had of her.
Q Had she ever been married before she married you? A No, sir.

COMMISSION:

- Q Is there any other statement you want to make about your application? A No, sir.

Q You submit it to the Commission for final consideration?

A Yes, sir.

The applicant and representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, being so hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson
Stenographer

MAY 22 1962

reproducible

W. H. R. 111

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 1, 1908.

In the matter of the application of Perry Adams et al for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-880.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

- MR. DAVENPORT:** What is your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q What is your age? A I will be 57 the 10th day of September.
Q How long have you lived at Humboldt, Kansas? A It will be 36 years in July.
Q You have practically lived there th n all your life? A Yes, sir.
Q Since you have been living there did you get acquainted with colored man by the name of Adams? A Yes, sir.
Q What was his first name? A Perry I believe; that's the name he went by there.
Q When did you first remember of getting acquainted with Perry Adams; that is, about how long ago? A Why I got acquainted with Perry Adams about 20 years ago.
Q Do you know where he was living when you got acquainted with him? A He was living at Humboldt.
Q Well how long after you got acquainted with him did he leave Humboldt; that is, if he ever left there at all? A Why he must have lived there twelve years I guess after I got acquainted with him.
Q Do you know whether or not he had any property or owned any property there? A Yes, sir.
Q Did he take any part in either city or state elections to your knowledge? A Yes, sir.
Q Did he have a family, Mr. Redmon, or do you remember? A Yes, sir, he had a family.
Q Well do you know any of the members of his family? A Why I don't remember the names of only one, had some two or three.
Q Well what was the name of the one you remember? A Ed.
Q How far did Ed live from where you did in the town of Humboldt, Mr. Redmon? A Three blocks.
Q Does Perry Adams live there now? A No, sir.
Q About how many years ago did he leave there? A Why about seven or eight years ago.
MR. SMITH: What's your name; you say Redmon? A Redmon, yes, sir.
Q Well, Mr. Redmon, about how old was this Perry Adams that you knew? A Well sir, I couldn't tell you; I knew he was a few years older than I.
Q A Few years older? A Yes, sir.
Q You are 57? A Yes, sir.
Q Was he as much as ten? A Why I would think so, probably more.
Q Possibly more? A Yes, sir.
Q And he must be then about fifty? A Must be, somewhere in the neighborhood of fifty, I would think, just guessing at his age.
Q Now you say he had a boy named Ed? A Yes, sir.
Q Well was that all the children he had? A No, he had more, but I don't know how many more; I seen two or three around his place there.
Q Boys or girls? A I couldn't tell you; they had on dresses.
Q Well how old was the eldest girl apparently at that time? A Why

I guess that she must have been four or five or six years old.
 Q Now that was twenty years ago? A No, that wasn't 20 years ago speaking about now; that makes the girl about 26. Let's see, about sixteen or seventeen years old now I think.
 Q When did you say the man you knew left Kansas; when did this man that you are talking about leave Kansas? A Perry Adams?
 Q Yes, sir. A He left there about seven or eight years ago.
 Q That is, in the neighborhood where you know him? A Yes, sir.
 Q Have you ever seen him since? A No.
 Q You don't know whether that man that you are talking about is the same man that applies in this case or not? A Well I couldn't swear to that, not knowing. If he was brought before me I could tell; I am satisfied it's the same man.
 Q Well you don't know? A No, not personally that way, I don't.
 Q Let's see, it was about '82 then when you first became acquainted with Perry Adams? A Along in there, yes, sir.
 Q That's the first knowledge you had of him, first time you knew him? A Yes, sir.
 Q Well the man you speak of had some property you say in Humboldt?
 A Yes, sir.
 Q Has he that property yet? A No sold that property.
 Q You knew him for how long you say continuously? A Why I knew him up till the time that he left there, and would know him yet if I would see him.
 Q Well that was how long? A That was about thirteen years I think.
 Q How large a place is Humboldt? A Why I think it is about three thousand.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reports in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of May, 1902.

J. J. Renter
 Notary Public.

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**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Jesse D. Ham for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 4, 1900, Jesse D. Ham appeared before the Commission at Tahlequah, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 28, 1902, and on March 11, 1902.

The evidence shows that the said Jesse D. Ham was lawfully married, under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on May 19, 1899, to Mary Lucust, a citizen by blood of the Cherokee Nation. The evidence further shows that the said Jesse D. Ham lived with his said wife three weeks, and he testifies that she left him. It further appears from the evidence that the said Jesse D. Ham was formerly married, in 1878, to Fredonia Pensley, under the laws of the state of Missouri; that he lived with his said wife Fredonia a very short time, and at the time of his alleged marriage to Mary Lucust he was separated from his said wife Fredonia without a divorce. There is no evidence to show that Fredonia Ham was dead at the time of the applicant's marriage to Mary Lucust. The said Jesse D. Ham is identified on the Cherokee Census roll of 1896.

Paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692, Compiled Laws of the Cherokee Nation (1892), provides:

"All marriage which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding."

It is, therefore, the opinion of this Commission that the name of Jesse D. Ham is upon the tribal roll of 1896 without authority of law, and that the application for the enrollment of Jesse D. Ham as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner

Dated at Muskogee, I. T.

this

JUL 10 1902

ATTORNEYS

L. B. HILL

W. W. HARTINGS

J. E. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 880.

Wuske, J. T., March 6, 1902.

re. Nanie Norman,

Barron, J. T.

Dear Sir:

A man by the name of Jess Ham of Woodley, T. T., has applied to the United States Commission for enrollment as a citizen of the Cherokee Nation by intermarriage. He married a woman by the name of Mary Lucas of Delaware District, who we understand is your sister. He states that she abandoned ~~her~~ him. Please advise us what you know about their separation, and also if your sister is living where can we find her.

Yours truly,

S-W. L. H.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 880.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

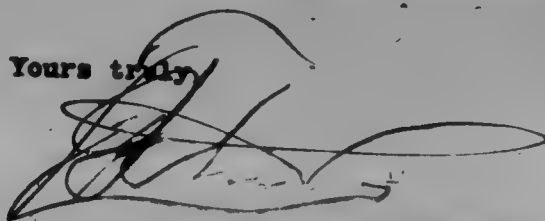
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Jesse D. Ham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 93.

COMMISSIONERS
HENRY L. DAWES
JAMES BERRY
THOMAS B. NEEDLES
C. R. BRICKKINSHIP

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 880.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

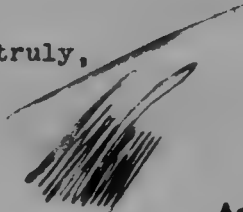
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Jesse D. Ham for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

James W. Hann

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original testimony, December, 4, 1900
- B. Memo. of application, Dec. 4, 1900
- C. Supplemental testimony, Feb. 28, 1901
- D. Marriage license and certificate.
- E. Notice of final consideration, 3/12/02
- F. Sup test & order closing test 3/12/02

Transferred to R-703

Cher D 881

Cher D 881

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DEC 4 1960

ACTING CHAIRMAN

12-11-60

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 4th 1900.

In the matter of the application of George Givens for the enrollment of himself, wife and six children as Cherokee citizens. He being sworn before Commissioner Breckinridge testified as follows:-

- Q What is your name A. George Givens.
Q How old are you? A. 34.
Q What is your post office address? A. Giddison, I. T.
Q What district do you live in? A. Tahlequah.
Q What is it that you want to have enrolled? A. Myself and family.
Q Have you a wife? A. Yes sir.
Q How many children? A. Six.
Q Are you a Cherokee by blood? A. No sir, by adoption.
Q Is your wife a Cherokee by blood? A. Yes sir.

A copy of a license issued by the clerk of said district, March 1st 1898 authorizing his marriage to Mary Bigby, is presented and the certificate shows that they were united in marriage on the 7th of February of the same year by the Rev. George F. Atkins.

- Q When did you get this document? A. I disremember. I never got it till 1898. I called for it from the record book.

"This document is under the seal of the Clerk of the district and is retained as a copy of the records."

- Q You will observe Mr. Givens, that the date of the license is later than the date of the certificate; your license is dated in March and the certificate states that you were married in February. When did you get the license? A. Got them before I married, carried them around in my pocket several days before I married.

- Q When were you married? A. February 7th, it shows there the date.
" This is filed herewith "

- Q Have you lived with your wife ever since you carried away in 1892? A. Yes sir.
Q Were you ever married except to this wife? A. No sir.
Q Has she ever married except to you? A. ~~Never~~. No sir.
Q Your wife's full name now is Mary Givens is it? A. Yes sir.
Q What was the name of ~~your wife's father~~ your wife's father? A. David Bigby.
Q Is he dead or alive? A. Alive.
Q Give me the name of her mother A. Nancy Jane.
Q Is she dead? A. No sir she is living.
Q Has your wife lived here always in the Cherokee Nation? A. Yes sir born and raised here.
Q Give me the names of your children? A. John Wesley. Q How old? A. 8.
Q Next child? A. David L. Q How old? A. 7. Q Next child? A. Berta L. Q. How old? A. 5. Q Next child? A. Nancy J. Q How old? A. 3. Next child? A. Blanche. Q. How old? A. 2. Q Next child? A. George W. Q. How old? A. Nine months.
Q Are those children all living now? A. Yes sir.
Q Have you a certificate for the birth of each of those three youngest made out yet? A. Have two of them, one of them is on the 1898 roll, Nancy J. is.
Q How old is your wife? A. 24.

1890 roll, page, 414, No 375.	Mary Bigby, Gotingenake dist.
1896 1173	Mary Givens Tahlequah dist.
1896 1170	George Givens
1896 1173	Samuel W. Givens
1896 1173	David L. Givens
1896 1173	Berta Givens
1896 1173	Nancy J. Givens

George Given 2.

The applicant applies for the enrollment of himself, wife and six children. His wife is identified on the 1880 and 1890 roll as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee citizen by blood. Of the six children, the first four are identified on the 1890 roll, they are living now and will be listed for enrollment as Cherokees by blood. When the Commission is supplied with certificates of birth as to the two youngest children, Blanche O. and George E., they also will be listed for enrollment as Cherokees by blood. The applicant presents a license and certificate of marriage to his wife under date of 1893. He states that neither he nor she were ever previously married and that he has lived with his wife ever since their marriage. He is identified with his wife on the roll of 1890. The marriage license which he presents and which purports to be an official copy, is in conflict with the certificate accompanying it. He is desired to procure from the records a correct copy, as the dates at present cannot be reconciled, his license being dated in March and the certificate in February of the same year. It is believed to be a clerical error. To await the corrected evidence of his marriage he will now be placed on a doubtful card as a Cherokee by intermarriage.

Chas. von Wiese being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Wiese

Subscribed and sworn to before me this 4th of December, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of
George Givens, as a citizen of the Cherokee Nation.

On the 4th day of December, 1900, George Givens appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen of the Cherokee Nation. The application included other parties, but as they are differently classified they are not embraced in this decision, or considered at this time.

At the conclusion of the testimony offered at that time, the name of George Givens was placed upon a "Doubtful" card for further consideration, resulting from a discrepancy between his testimony and a certificate which he presented pertaining to his marriage.

Further evidence in the matter of this application has been submitted to the Commission, and the following decision is rendered:

DECISION

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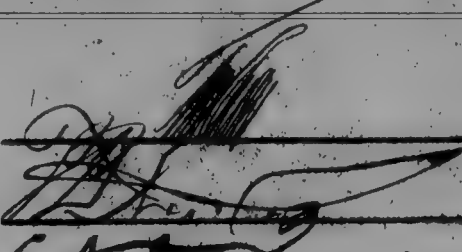
From all the evidence of record in this case, it appears that George Givens is identified upon the Cherokee census roll of 1896; was married on the 7th day of February, 1892, to one Mary Bigby, a citizen by blood of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the rolls of Cherokee citizens of eighteen hundred and eighty (not including Freedmen) as the only roll intended to be confirmed by this and

preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and law in this case, it is the opinion of this Commission, that George Givens is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.


C. R. Bucknidge
Commissioner.

Dated at Muskogee, Indian Territory,
this 23 day of April, 1902.

COMMISSIONERS
HENRY L. DAWES
JAMES BIRBY
THOMAS B. NEEDLES
C. H. BRACKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-881

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

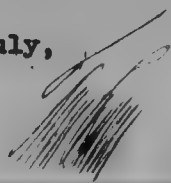
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of George Givens No. D-881, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire against the enrollment of the said George Givens as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-881.

881

IN THE MATTER OF THE APPLICATION OF

George Givens

FOR THE REDEMPTION OF

CHEER ME

MATTER OF THE APPLICATION OF
George B. WARD
FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A Original testimony of 12/4/00
- B Memo. of Application of 12/4/00
- C Marriage license and certificate
- D Copy of Marriage license and certificate

Com. D. Ward.

Sept 10
1880

See to Cherokee jacket no 6080

Cher D 882


Cher D 882

1882

FILE

RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC. 4 1900


ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December, 4th 1900.

of Liddy S. Thompson,

In the matter of the application for the enrollment of herself and
four children as Cherokee citizens, she being sworn before Commissioner
or Breakinridge, testified as follows:-

- Q What is your name? A. Liddy S. Thompson.
Q How old are you? A. 49.
Q What is your post office? A. Giddien, I. T.
Q What district do you live in? A. Tahlequah.
Q Who is it that you want to have enrolled? A. Myself and family
Q Have you a husband? A. He is dead.
Q How many children have you? A. Four
Q Then you apply for yourself and four children? A. Yes sir.
Q Are you a Cherokee by blood? A. No sir.
Q When were you married? A. In 1899.
Q To whom were you married? A. William D. Thompson.
Q How long have you lived in the Cherokee Nation? A. I came here in
1884.
Q From North Carolina? A. Yes sir.
Q Have you a certificate of admission? A. Yes sir it is in the
George D. Watkins case.
Q When did your husband die? A. six years ago, the 14th of last
August.
Q And you came here in 1884? A. Yes sir.
Q You were admitted in 1887? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.
Q Give me the names of your children? A. William J.
Q How old? A. 17.
Q Next child? A. Frances B.
Q How old? A. 13.
Q Next child? A. Richard L.
Q How old? A. 11.
Q Next child? A. Alfred D.
Q How old? A. 8.
Q Are these children all living now? A. Yes sir.

A duly authenticated certificate of admission filed in case D. 394
George Watkins, shows that on the 4th of April 1887, the following
persons were admitted to citizenship by the Cherokee Commission on
citizenship, and among them appears the name of William D. Thompson
age 37 years.

Q Was that the name of your husband A. Yes sir.

This is recognized as official evidence of the admission of the ap-
plicants husband at the time stated.

There also appears the name of William J. Thompson, age five. This
is recognized as official evidence of the admission of that child's
admission, at that time.

Q That is the name of the child for whom you now apply is it now?
A. Yes sir.

The document is returned to the file to which it properly belongs.

1896 roll page 1299, No 363, Lydia S. Thompson, Tahlequah dist.	
1896	1253 3345 William J. Thompson, "
1896	1253 3346 Barto P. Thompson "
1896	1335 3347 Richard L. Thompson "
1896	1253 3348 Alfred D. Thompson "

Q You and your husband were not remarried after he was admitted? A
No sir.

The applicant applied for the enrollment of herself and four children

- Q Were you ever married before your married to your husband William B. Thompson? A. No sir.
Q Was he ever married before his marriage to you? A. No sir.
Q Did you and he lived together continuously from the time of your marriage until his death? A. Yes sir.
Q Have you married since his death? A. No sir.
Q Have you lived in the Cherokee Nation ever since his death? A. Yes sir.

The applicant applies for the enrollment of herself and four children. It is shown that her husband and child then living were admitted to Cherokee citizenship by the Cherokee Commission on citizenship in 1887, and that she was married to her husband in 1889, that they lived together as husband and wife until his death six years ago, that she has not re-married and that neither of them were previously married. She is identified in the roll of 1896 with her child. She was not remarried to her husband after his admission to Cherokee citizenship. She will now be listed as a Cherokee by adoption of a doubtful card to consider the point raised in such cases by the Cherokee representatives as to the necessity of re-marriage under the Cherokee law to entitle such persons to be enrolled as Cherokee citizens.

Of the four children named in the testimony, the first, William J. is identified on the certificate of admission cited and the remaining three children were born since the admission of their father to Cherokee citizenship. All four are identified on the roll of 1896 and they will now be listed for enrollment as Cherokee citizens by blood.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 4th of December 1900.



Commissioner.

although one of record.
as referred to the Commission for the purpose of being considered and
known as the case and the case is being considered and will
be decided in the representation of the persons and on

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
APR 1902

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be decided in the representation of the persons and on

R.

C. D-862.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lydia S. Thompson for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission by the Commission at its offices in Muskogee, I.T., on the 13th day of March, 1902. Receipt was acknowledged of the Commission's letter, and on said date the case was continued by agreement until the 13th day of March, 1902, and the same being this day, to-wit, the 13th day of March, 1902, and being called the applicant appeared in person.

BY Lydia C. Thompson, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER OF LYDIA THOMPSON: What is your name?

LYDIA C. THOMPSON: Lydia Thompson.

Q. How old are you? **A.** I will be fifty the 28th of this month.

Q. What is your post office address? **A.** Gideon.

Q. You are an applicant before the Commission for enrollment for citizenship in the Cherokee Nation? **A.** Yes sir.

Q. You were requested to supply the Commission with evidence of your marriage, have you that with you? **A.** Yes sir.

There is offered in evidence certificate signed by Wesley Cearley, a minister of the gospel, certifying that he united William D. Thompson and Lydia S. Thompson in marriage on the 20th day of August, 1899. Same is filed and made part of the record.

Q. Your husband was admitted to citizenship in the Cherokee Nation? **A.** Yes sir.

Q. Did you live with him continuously up to the time he died? **A.** Yes sir.

Q. Have you married since that time? **A.** No sir.

Q. Is there any statement you desire to make relative to your application?

A. No, I don't know that I have any statement to make.

Q. You submit the case to the Commission for final consideration? **A.** Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case and the same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Liddy S. Thompson for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 4, 1900, Liddy S. Thompson appeared before the Commission at Tahlequah, Indian Territory and made application, among others, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 13, 1902.

The evidence shows that Liddy S. Thompson was lawfully married on August 20, 1869, to William D. Thompson, who was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation on April 4, 1887. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Liddy S. Thompson is identified on the Cherokee Census roll of 1896.

The evidence further shows that Liddy S. Thompson has resided in the Cherokee Nation since the date of her husband's admission to citizenship, and that she was a resident of said Nation at the date of the application herein. Her husband died in 1894, and the applicant has not re-married since his death.

It is, therefore, the opinion of this Commission that Liddy S. Thompson should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner

Dated at Muskogee, Indian Territory,

this _____

8 . 2

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 8th, 1902.

In the matter of the application of Liddy S. Thompson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-662.

LIDDY S. THOMPSON, being duly sworn, testified as follows:
Examination by the Commission.

- Q. Your name is Liddy S. Thompson? A. Yes, sir.
Q. How old are you? A. I was 49 the 29th of March.
Q. What is your post office? A. Gideon.
Q. You are a white woman? A. Yes, sir.
Q. Who do you claim citizenship through? A. My husband.
Q. What is his name? A. Thompson.
Q. What is his first name? A. William D.
Q. Is he a Cherokee by blood? A. Yes, sir.
Q. Is he your first husband? A. Yes, sir.
Q. Are you his first wife? A. Yes, sir.
Q. Neither of you ever married before? A. No, sir.
Q. When were you married to Mr. Thompson? A. '69; August 20th, '69.
Q. Where? A. In North Carolina.
Q. When did you come to the Cherokee Nation? A. I think it was '84 as well as I remember.
Q. You and your husband come together? A. Yes, sir.
Q. Was he admitted to citizenship? A. Yes, sir.
Q. You weren't admitted with him, were you? A. No, sir.
Q. Did you have a certificate of your marriage? A. No, sir; I have only got the preacher's affidavit that he married us.
Q. Did you file that with the Commission? A. Yes, sir; I come down here in March; I think it was the 12th of March I was notified to be here.
Q. Have you and your husband been living in the Cherokee Nation ever since you come in 1884? A. Yes, sir.
Q. Never been out? A. No, sir.
Q. You have never been separated? A. No, sir.
Q. Living together on the first of September, 1902? A. No, sir; my husband is dead.
Q. When did he die? A. Been dead, growing on 9 years.
Q. Have you ever married since his death? A. No, sir.
Q. Lived in the Cherokee Nation ever since his death? A. Yes, sir.
Q. Have you any children? A. Yes, sir.
Q. Living with you? A. Yes, sir; all living with me that is----
Q. That is under age? A. Yes, sir. Four of them is married.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of December, 1902.

Jesse O. Carr
B. C. Jones
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 882.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Liddy S. Thompson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,


Acting Chairman.

Enc. C. No. 18.

Refer in reply to the following:

COPY.

Land.
14308-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lyddy S. Thompson as a citizen by intermarriage of the Cherokee Nation.

Commissioner Bixby found that the applicant is a white woman who has no Cherokee status unless obtained through her marriage to William D. Thompson, since deceased in the State of North Carolina on August 20, 1869; that William D. Thompson was not at the time of the marriage a recognized citizen by blood of the Cherokee Nation and did not become so until his admission to citizenship in the nation in 1867; and neither the applicant nor her husband can be identified on the Cherokee authenticated roll of 1880. In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al. vs. the United States, the Commissioner on February 8, 1907, rejected the applicants.

-2-

It is evident that the Commissioner has properly applied the law as construed by the Supreme Court, and it is therefore recommended that his decision be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HHH-Y.

O.K. Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

IRS.

D.C. 12638-1907.

I.T.D. 5702, 5844, 6070, 6082,
6086, 6090, 6100, 6102,
6106, 6122, 6156, 6172,
6246, 6524--1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
E. A. Welsh,	February 19, 1907.
Belle Harlin,	February 9, 1907.
Claude L. and Martha M. Washbourne,	February 16, 1907.
George W. Evans et al.,	February 12, 1907.
Joe Iney Bell (Freedman),	February 19, 1907.
Clara Ross (Freedman),	February 18, 1907.
Russel and Herman Hill (Freedman),	February 18, 1907.
George Brown (Freedman),	February 18, 1907.
James and Mary L. Huston (Freedman),	February 19, 1907.
Addie E. Rogers (Freedman),	February 14, 1907.
Liddy S. Thompson,	February 8, 1907.
Mary Ann Divers et al. (Freedman),	February 11, 1907.
Esau and Johnie Ross (Freedman),	February 15, 1907.
Ralph Elliott,	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,
(Signed) Jesse E. Wilson,

14 inc. and 28 inc.
for Indian Office.

Assistant Secretary.

A. F. Mc.
3-2-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 9938

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, denying the application for the enrollment of Liddy S. Thompson, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc I-7

RPI

Commissioner.

IN THE MATTER OF THE APPLICATION OF

William S. Thompson

FOR ENROLLMENT AS

CHEROKEE CITIZENS

A. Original testimony of 12/4/00

1. Affidavit of application of 12/4/00

2. Notice of final consideration 3/12/02

3. Certified copy of marriage cert.

Decided

See to book

for

entry

See to book

for

entry

See to book

for

entry

See to book for entry No 6083

Cher D 883

Cher D 883

1

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., December 4, 1900.

In the matter of the application of Tennessee Carnes for the enrollment of two children, CHARLES TEHEE & BERTHA MAY BUTLER, as Cherokee citizens; being sworn and examined by Commissioner Needles she testified as follows:

- Q What is your name? A Tennessee Carnes.
Q How old are you? A 28 years old.
Q What is your post-office? A South-west City.
Q What district do you live in? A Delaware District.
Q Are you a recognized citizen of the Cherokee Nation? A I aint no citizen, I just wanted to get my children on there.
Q You apply for the enrollment of your children? A Yes sir.
Q What are the names of your children? A Charles Tehee.
Q How old is Mr. Charles Tehee? A 8 years old.
Q What is the name of the other one? A Bertha May Butler.
Q How old is she? A She is 5 years old.
Q Who is the mother of Charles Tehee? A I am.
Q Are you the mother of Bertha May Butler too? A Yes sir.
Q What is the father's name of Charles Tehee? A Lee Tehee.
Q Is he a Cherokee by blood? A Yes sir.
Q Were you ever married to him? A Yes sir.
Q Is he living? A Yes sir.
Q Who is the father of Bertha M. Butler? A Sam Butler.
Q Were you ever married to him? A Yes sir.
Q Is he living? A No sir.
Q You were married to him before you were married to Tehee?
No sir, I was married to him afterwards.
Q After you married Tehee? A Yes sir.
Q But he is not living? A No sir.
Q You are a white woman? A Yes sir, that is what I claim.
Q Have you any certificate of marriage? A No sir.
Q Have you got any proof of marriage? A No sir, I have no proof.
Q Were you ever married? A Yes sir.
Q Married to both these men? A Yes sir.
Q Who married you? A Dick Walker married me and Mr. Tehee.
Q Who married you and Mr. Butler? A I disremember his name now.
Q Did Tehee and you separate? A Yes sir.
Q Did you ever get a divorce from him? A Yes sir.
Q From Tehee? A Yes sir.
Q And then married Sam Butler? A Yes sir.
Q Sam Butler still living? A No sir, he is dead.
By Cherokee Representative W.W. Hastings.
Q How long have you been living in Delaware District, about Southwest City? A Just a year.
Q Did you come from Braggs up there? A I went from here up there.
Q How long did you live here? A 4 years.
1896 roll page 1253 #3327 Charles Tehee Tahlequah
1896 roll examined for Bertha M. Butler and not found.
Q About how old was this man Butler? A I know he was 42 years old; I dont know exactly his age.
Q Was he ever married before? A No sir.
1880 roll page 51 #1417 Lee Tehhe Canadian Dist., native Cher;
By Com'r Needles:
Q Sam Butler got killed, did he? A Yes sir.
He is a cousin of George Butler here in town.
Q How does your name happen to be Carnes now, are you married again?
A Yes sir.
Q You have been married three times then? A Yes sir.
Q Your present husband is a white man? A Yes sir.
Q When did you marry the last time? A About five years ago.

Q You have got no certificate of marriage to either one of these men? A No sir, I haven't got it. Mr. Teehe has got the license and certificate to him, and Mr. Butler when he got killed had the certificate carrying it and it got lost, that's how come me not to have it.

Q Have you raised this Charlie Teehe child? A Yes sir.
Com'r: You will have to prove your marriage to Charlie Teehe.

By Hastings:

Q Where were you divorced? A At Muskogee.

Q In the United States Court? A Yes sir.

Com'r Needles: Then you will have to prove your marriage to Mr. Butler; then you have got to prove that Mr. Butler was a citizen.

Q Sam Butler an Indian or a colored man? A He was an Indian.

Com'r Needles: The name of Charles Teehe appears upon the census roll of 1896; the applicant applies for the enrollment of said Charles Teehe, averring that she was married to one Lee Teehe who is the father of said child, and the name of Lee Teehe is found upon the authenticated roll of 1880; she avers that she was divorced from said Lee Teehe, and married one Sam Butler, by whom she has one child, said Sam Butler being a Cherokee by blood; she has no certificate of divorce from Teehe and no certificate of marriage to Butler, who she avers is now deceased, and since the decease of said Butler she avers she has married one Carnes, a non-citizen; final judgment as to the enrollment of said Charles Teehe and said Bertha M. Butler will be suspended, awaiting proof of the marriage to Teehe, divorce from Teehe, marriage to Butler and proof of citizenship of said Butler.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this December 4, 1900.

(Signed) T. B. Needles.
Commissioner.

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she copied the above and foregoing testimony, and that the same is a full, true and complete copy of the original testimony now on file in this office

Sarah W. Vaters

Subscribed and sworn to before me this 20th day of February, 1907.

Wm. W. Chappell
Notary Public.

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6 D
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900

 ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date

DEC -4 1900

1900.

Name

Southwest City Mo

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Charles Lee

Dist. TAHLEQUAH.

Year 1896

Page 153

No. 332

Age 8

Benjamin M. Butler

Dist.

Year

Page

No.

Age 5

Dist.

Year

Page

No.

Age

Dist.

Year

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Age

Proof of marriage, and decree of divorce between Lee Lee and Jennie Comes to be supplied

Proof of marriage of Jennie Comes to her ~~first~~ second husband Sam Butler to be supplied

FILED
SEP 5 1901

ACTING CHAIRMAN

of the new
entirely
to the

Discussed the
the Council

ST. JOHN'S

File with Tennessee Surveys, Cherokee B-225, as to citizenship of
Charley Teehee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Lee Teehee for the enrollment of himself and three children as Cherokees by blood.

Lee Teehee, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Lee Teehee.
Q How old are you? A 33.
Q What is your postoffice? A Braggs.
Q What district do you live in? A Illinois.
Q You want to be enrolled as a Cherokee by blood? A Yes, sir.
Q What degree of blood have you? A I can't say that, pretty near
full blood is all I know.
Q You want to enroll anybody besides yourself? A Yes, sir, I
have got four children.
Q And a wife? A Yes, sir.
Q Want to enroll her? A Yes, sir: my wife is a white woman.
Q What is your wife's name? A Virgie Teehee.
Q How old is she? A She is 22.
Q Give me the names of your children please? A My children, one
named Henry Teehee.
Q How old is Henry? A He is 12.
Q The next child? A Moses Teehee.
Q How old is Moses? A He is 8.
Q The next one? A Charley.
Q How old is Charley? A He is 7.
Q The next one? A Gilbert.
Q How old is Gilbert? A He is 4 years old.
Q Is Virgie Teehee your first wife? A No, sir, my second wife.
Q Your first wife alive? A No, sir, dead.
Q She dead when you married Virgie? A Yes, sir.
Q Are you her first husband: was Virgie ever married before she
married you? A No, sir.
Q When were you married? A About a year ago.
Q Have you got any certificate of marriage? A Yes, sir, I have
got a certificate at home.
Q She isn't the mother of these children? A No, sir.
Q The mother of these children is dead? A Yes, sir, the mother
of them once is dead.
Q What was the name of the mother of these children? A Lucy.
Q Was she a white woman? A No, sir.
Q Was she an Indian? A Yes, sir.
Q What was her name before you married her? A Barber.
Q Was she a widow when you married her? A No, sir.
Q What was her father's name? A Abe Barber.
Q Is he living? A No, sir.
Q What was her mother's name, Lucy's mother? A Well sir, I can't
think of that.
Q Is she living? A No, sir, they are all dead.
Q Are these children all living at this time? A Yes, sir.
Q Is your name on the roll of 1880? A I guess it is on 1880.
Q Did you ever live in Canadian? A Yes, sir.
Q The 1880 authenticated roll of Cherokee citizens examined
and the name of Lee Teehee found thereon, page 51, No. 1417,
Canadian district.
Q Is your wife Lucy on the roll of 1880? A I guess it is.
Q Did she live in Canadian? A Yes, sir.
Q The 1880 authenticated roll of Cherokee citizens examined
and the name of Lucy Barber found thereon, page 8, No. 151,
Canadian district.

L.T - 2.

Q What district were you in in 1896? A I was at Tahlequah.

The 1896 census roll of Cherokee citizens examined and the applicants identified thereon as follows:

Lee Teehee on page 1296, No. 33, Prison Roll, Tahlequah district, as Lee Teehee.

Q Were you in prison there? A Yes, sir.

Henry Teehee on page 908, No. 1927, as Henry Tee-hee, Illinois district;

Moses Teehee on page 910, No. 1978, Illinois district, as Mose Teehee.

Q Was Charley in the same district as the other children? A Yes, sir, but I believe Charley is registered in Tahlequah.

Q Who has got that boy, Charley? A His folks have at Tahlequah.

Q Somebody had been here and enrolled Charley here: is Lucy the mother of Charley? A Yes, sir.

Q Who is Tennessee Carnes? A That is the one that takes care of him: he is like them other ones.

Q Who is Tennessee Carnes, do you know her? A No, sir, I don't know her.

By W. W. Hastings, Cherokee attorney: what was the name of the woman was taking care of him while you were in jail? A I have forgot now just what her name was.

Q Where do they live, in town? A They live at Tahlequah.

Q In town? A Right in town there somewhere now.

Q Did they live in town then? A They lived in town then.

Q Is the boy up there? A I guess it is, I haven't been over there for about three years.

Q Haven't you heard from that boy in three years? A No.

Commissioner: Who was this woman, do you know her? A No, sir.

Q How do you know she had two or three husbands if you don't know who she was? A That is all I know, she might have her own man's name in there: my name is in there but I don't know the woman; know some Brannenbergs, that is all I know.

Q Where do they live? A They used to live here close to Tahlequah.

Q Was that Branenberg has this child? A Yes, sir.

Q And they came from Delaware down there? A Yes, sir, I think they did, I never was in Delaware there at all.

Mr. Hastings: Who was the mother of Charles Teehee? A Lucy.

Q When did Lucy Barber, or Lucy Teehee, die? A I can't tell you.

Q How many years ago? A I can't tell you, three or four years ago.

Q Were you two living together at the time she died? A No, me and her was parted and she married a first cousin of mine, and I taken them children, and she died when she was living with my cousin.

Q Do you know a child named Bertha Butler? A No, sir.

Q Do you know a man named Sam Butler? A I know a man named Sam Butler, he lived in Canadian, got killed in Claremore.

Q Do you know his wife? A No, didn't know his wife

Q You and him never lived with the same woman? A No, I haven't.

Q You don't know who his wife was at all? A No, sir.

Q Do you know Dick Walker? A Yes, sir.

Q Did Dick Walker ever marry you to anybody? A Dick Walker married me one time.

Q Who to? A A white woman.

Q What was her name? A Her name was Branenberg.

Q What was her first name? A Clarinda.

Q Did she ever go by the name of Carnes? A Not that I know of, her fathers name was Branenberg.

Commissioner: Was that woman the mother of Charles Teehee?

A That one was of Charley, yes sir that there Branenberg.

Q Was the mother of Charley? A Yes, sir.

Q I thought you said Lucy was the mother of Charley? A I thought you said Moses.

Q No, I didn't say Moses at all, I said Charley: now the Brannen-

L T. - 3.

berg woman was the mother of Charley? A Yes, sir.

Q Was she a white woman? A Yes, sir.

Q Were you ever married to her? A Yes, sir, married and divorced.

Q Who married you? A Dick Walker.

Q Well, who was the mother of Colbert, the next boy? A That was Lucy, she was in Illinois then.

Q Was Lucy the mother of Henry? A Yes, sir.

Q And Moses? A Yes, sir.

Q Lucy was the mother of all of these children then except Charley?

A Yes, except Charley.

Q And Charley was the child of the Brannenber woman, a white woman? A Yes, sir.

Q Do you know who she married after she separated from you?

A No, I don't, she went away, I was gone out west then at the time; what you said that fellow's name was, I guess that is the man, the last time.

The 1896 census roll of Cherokee citizens examined and the applicants identified thereon as follows:

Charley Teehee on page 1253, No. 3327, Tahlequah district, as Charles Teehee;

Colbert Teehee on page 909, No. 1966, Illinois district, as Corbert Teehee.

Q Now was Charles Teehee born while you were living and married to this Brannenber woman? A Yes, sir.

Q Was that your first or second wife? A That was my second wife.

Q Well, were you ever divorced from her? A Yes, sir.

Q Where did you get a divorce? A Muskogee.

Q In the United States Court? A Yes, sir.

Q Then who did you marry after her? Lucy Barber? A Lucy is the first woman, the second is that there Brannenber.

Q And you got a divorce from the Brannenber woman? A Yes, sir.

Q Well, Lucy was your first woman? A Yes, sir.

Q Well how does it happen that Colbert is Lucy's child, only four years old, and Charley is the Brannenber woman's child, 7 years old? A Well, I have got that mixed up.

Q Charley is older than Colbert, is he? A Yes, I guess so.

Mr. Hastings: Have you been married three times? A This makes the third wife I have got.

Q Now your first wife was named what? A Lucy Barber.

Q Then she is the mother of Henry? A Yes, sir.

Q Now the second one was that Brannenber woman? A Yes, sir.

Q Now was she the mother of Charley? A Yes.

Q Now who is the mother of Moses? A Lucy.

Q Now who is the mother of Colbert? A That is the same one, Lucy.

Q Well, is Colbert just four years old? A Well, he may be five, you see I don't remember good.

Q Which is older, Colbert or Charley? A Charley is the oldest.

Q Well, did you have children by both these women at one and the same time? A No, I can't tell that.

Q Well now have you ever been married to anyone else since you were divorced from this Brannenber? A Yes.

Q That is this white woman about a year ago; did you ever get any children by her? A No, sir, got no children by her.

Q Are you certain that Henry is older than Charley, your boy Henry?

A Yes.

Q He is older than Charley? A Yes, he is about 12 or 13.

Q Now, Colbert is younger than Charley, is he: you are certain of that? A Yes, sir.

Q He is 3 or 4 years younger? A Yes, sir.

Commissioner: Then Charley can't be Lucy's child, because Lucy is your first wife, and you have been married twice since she died, and Colbert can't be Lucy's child? A Yes, I guess it is.

Q Now you know better than that; Lucy was dead? A She has been dead about three years ago; suppose I had a child at the time, before she taken the other man; might have been just six months old.

Q Colbert? A Yes.

Q Charley is older than Colbert, and you say Charley is the child of the Brannenber woman, and she swears he is too, it is evident that is true; in fact, you were not married to the Brannenber woman when Charley was born, were you? A Yes, I was married to Brannenber.

Q Well, at that time, at the time the child was born, the Commission is asking you: did you marry her before the child was born or after the child was born? A Before the child was born.

Q Before she had a child by anybody else? A No, sir.

Mr. Hastings: Were you ever divorced from Lucy Barber? A No, sir.

Q You were married to her were you? A Yes; I guess we are divorced now, she is dead.

Q Did you live with her till she died? A No, I said another man was living with her.

Q Well, you and her just separated? A Yes, sir.

Q And then you married this Brannenber woman? A Yes, sir.

Q But you never were divorced from Lucy? A No, didn't need any divorce then days.

Q Well, you were not divorced from her? A No, sir.

Commissioner: Then did you go back to Lucy? A No, sir.

Q Well, you and Lucy quit before you married the Brannenber woman did you? A Yes, sir.

Q But after that Colbert was born was he? A Yes, sir.

Q Now you were not married to Lucy when Colbert was born, were you?

A No, sir.

Q Now you were not married to Lucy when Colbert was born, were you?

A No, sir.

Q How do you know Colbert is your child? A She proved it was mine.

Q They proved it on you, did they? A Yes, sir.

Q Who has got Colbert? A He is down below at Muldrow with my sister in law.

Q Do you know that Lucy is the mother of Colbert? A Yes, sir.

Q Who did you say had Colbert now? A Down at Muldrow, Ben Wilson.

Q You haven't got any of these children with you then? A No, I haven't got none with me, I am living with one of them close by.

Q Now Charles' mother has been here to enroll him? A Well, any way suits me.

(Applicant retires from presence of Commissioner.)

Commissioner: Lee Teehee applies for the enrollment of himself and his four children, to-wit, Henry, Moses, Charley, and Colbert. He avers that he was married to one Lucy Barber, who is the mother of said Henry, Moses and Colbert Teehee. The name of Lee Teehee is duly identified upon the authenticated roll of 1880 as well as the census roll of 1896. The name of Lucy Barber is also identified upon the authenticated roll of 1880, it being averred that she is now deceased. The names of his children, Henry, Moses, and Colbert, are duly identified upon the census roll of 1896. It appears that the said Lee Teehee was married to a white woman named Brannenber, her present name being Tennessee Carnes, and that said Tennessee Carnes applied for the enrollment of Charley Teehee, averring that she was married to said Lee Teehee, and the said Charles Teehee was listed for enrollment on D card No. 681. The testimony in the matter of the enrollment of Lee Teehee will be made part of the record in the matter of the application of said Tennessee Carnes for the enrollment of her child, Charles Teehee, D-687. It will be necessary as in the case of the application of Charles Teehee that proof of marriage be made

COMMERCIAL
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and the said Charles Teehee, who is now duly identified
upon the enumerated roll of 1880, and the said Tennessee
County, who says that she is the mother of said Charles
Teehee. The parties being duly identified and having made
a satisfactory proof of residence, the said Lee Teehee and his
three children, Henry, Moses and Colbert will be duly listed
for enrollment as native Cherokees. It appears from the
testimony that said Lee Teehee is now married to one Virginia
Teehee, a white woman, that said marriage was consummated too
late under the laws of the Cherokee Nation for her to receive
any benefits as a Cherokee citizen by intermarriage.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and that the foregoing is
a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of September, 1901.

W. D. H. C.

Commissioner.

2.

C. D-343.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Tennessee Barnes for the enrollment of her two children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of her two children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Washoe, I. T., on the 12th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

IN RE
Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..Bertha M. Butler.....

as a citizen of

.....Cherokee..... Nation.

Approved.... Mar. 7. 1901..... 190...

(Signed) C. R. Breckinridge.....

Commissioner.

Department of the Interior
Commission to the Five Civil-
ized Tribes.

Filed Mar 8 1901

Tams Bixby
Acting Chairman

Card No D 883

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Bertha M. Butler, born on the 3d day of Aug, 1895.
[Here insert name of child]
Name of Father: Samuel Butler (now deceased) a citizen of the Cherokee Nation.
Name of Mother: Tennessee Carnes a citizen of the United States ~~Nation~~
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Southwest City, Mo.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Tennessee Carnes, on oath state that I am twenty-four years of age and ^{was} a citizen by adoption of the Cherokee Nation; ^{was} that I ~~am~~ the lawful wife of Samuel Butler (deceased), who ~~is~~ ^{was} a citizen, by blood of the Cherokee Nation; that a female child was (Male or Female) born to me on 3d day of Aug, 1895; that said child has been named Bertha M. Butler, and is now living, ~~her name is~~ ^{her} Tennessee x Carnes mark

WITNESSES TO MARK:

[Must be Two Witnesses] (Signed) A. J. Royd
(SEAL) (Signed) G. C. Claxton

Subscribed and sworn to before me this 7th day of Dec, 1900.

(Signed) William J. McKee
Notary Public.
Com. Ex Mar 30th 1901

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
State Ark. District.
County Benton

I, Katie Chrisman, a midwife, on oath state that I attended on Mrs. Tennessee Carnes, wife of Samuel Butler, deceased on the 3 day of August, 1895; that there was born to her on said date a female (Male or Female) child; that said child ~~was living March 1, 1900~~ ^{is now living} and is said to have been named Bertha M. Rutler.
her
Katie x Chrisman mark

WITNESSES TO MARK:

[Must be Two Witnesses] (Signed) T. S. Harvey
(Signed) J. C. Parmly

Subscribed and sworn to before me this 28 day of February, 1901.

(Signed) A. P. Smartt
Notary Public.

My Com exp. Jan. 7 1905

(SEAL)

1610

Cherokee D 833
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charles Teehee as a citizen by blood of the Cherokee Nation.

-1-

O R D E R .

The records of this office show that at Tahlequah, Indian Territory, on December 4, 1900, Tennessee Carnes appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Charles Teehee as a citizen by blood of the Cherokee Nation, and that said applicant was duly listed for enrollment on Cherokee Doubtful card No. 833.

The evidence in this case shows that Charles Teehee is a son of Tennessee Carnes, a non-citizen of the Cherokee Nation, and Lee Teehee, a Cherokee by blood who is identified on the Cherokee authenticated tribal roll of 1880, and whose name appears upon a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior, June 11, 1904, opposite No. 30453. The applicant, Charles Teehee, is duly identified on the Cherokee census roll of 1896.

It is therefore ordered that the name of Charles Teehee which now appears on Cherokee doubtful card No. 833, be transferred to a Cherokee straight card.

SIGNED: Harry J. ...
COMMISSIONER

Dated at Muskogee, Indian Territory,
this _____

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Bertha May Butler as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 4, 1900, Tennessee Carnes appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her two minor children, Charles Teehee and Bertha May Butler as citizens by blood of the Cherokee Nation; that thereafter on March 8, 1901, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth on August 3, 1895, of the said Bertha May Butler. The application for the enrollment of Charles Teehee as a citizen by blood of the Cherokee Nation has heretofore been disposed of and his rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Bertha May Butler, is a minor child of one Samuel Butler, deceased, alleged to have been a Cherokee by blood, and one Tennessee Carnes, a non citizen of the Cherokee Nation. A careful examination of the records of this office fails to show that the said Samuel Butler was born to the allegiance of the Cherokee Nation, or that he was ever admitted to citizenship therein by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory on appeal therefrom, or that he was ever recognized in any manner as a citizen of the Cherokee Nation.

Every effort has been made by this office to secure information which would enable this office to identify said Samuel Butler as having been recognized during his lifetime by the Cherokee authorities as a citizen of the Cherokee Nation, but such evidence has not been secured.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Bertha May Butler is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

SIGNED *Tams Bishop*.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 21 1901.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 11, 1901.

Mrs. Tennessee Carnes,
Southwest City, Missouri.

Madam:—

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment as a citizen of the Cherokee Nation of Bertha M. Butler, the daughter of Samuel Butler and Tennessee Carnes. The same being in due form, it will be filed.


Respectfully,

Acting Chairman.

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D883

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 35 1902

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ACTING CHAIRMAN

COMMISSIONERS:
HENRY I. DAWES
TAMM BIXBY
THOMAS H. NEEDLES
R. BRACKINRIDGE

ALLISON I. AVENSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

Mrs. Tennessee Carnes,
Southwest City, Missouri,

Madam:-

You are hereby notified that the application of Charles Teehee and Bertha M. Butler

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with your certificate of marriage to Lee Teehee; also a certified copy of your decree of divorce, and certificate of marriage to Sam Butler.

CherokeeD-883
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

Cherokee D-383.

Vinita, Indian Territory, January 13, 1905.

Mrs. F. C. Curren,

Southwest City, Missouri.

Dear Madam:

The Commission is in receipt of your letter of December 5, asking if your two children, Charles Teehee and Bertha M. Butler, have been regularly listed for enrollment as citizens of the Cherokee Nation.

In reply you are advised that both of these children are listed upon a doubtful card, and no decision has been rendered as to their rights to enrollment. Before a decision can be rendered, it will be necessary that further testimony be introduced relative to the parentage of these children and as to your identity upon the tribal rolls of the Cherokee Nation.

It is probable that you can give the testimony required, and you are therefore directed to appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, at the earliest possible date, for this purpose.

Respectfully,

Acting Chairman.

RP

REFER IN REPLY TO THE FOLLOWING
Cherokee D 883.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *for*

SEP
Muskogee, Indian Territory, October 7, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, transferring the enrollment of Charles Teehee, on Cherokee card No. D 883, to a Cherokee straight card.

Respectfully,

Incl. S-73


Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D 883.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

1308
Muskogee, Indian Territory, October 7, 1905.

Tennessee Carnes,

Southwest City, Missouri.

Dear Madam:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, transferring the enrollment of your minor child, Charles Teehee, on Cherokee card No. D 883, to a Cherokee straight card.

You are further advised that you will not be permitted to make an allotment selection for said Charles Teehee until his name has been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior, of which action you will be notified.

Respectfully,

Incl. S-92



Commissioner.

Cherokee D 883

Muskogee, Indian Territory, April 11, 1906.

Mrs. Tennessee Carnes,
Southwest City, Mo.

Dear Madam:

At Tahlequah, Indian Territory on December 4, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of your daughter, Bertha M. Butler, as a citizen by blood of the Cherokee Nation.

Your testimony of that date shows that the father of the said Bertha M. Butler is one Sam Butler, deceased, but fails to show that the said Sam Butler was a recognized citizen of the Cherokee Nation, and you are hereby advised that before the application for the enrollment of your said daughter will be complete, it will be necessary for you to introduce further testimony to show that Sam Butler was, prior to his death, a recognized citizen of the Cherokee Nation, and for this purpose you are advised that you will

-2-

be permitted to appear before this office at Muskogee, Indian Territory on May 3, 1906, and introduce any testimony you may desire touching the points above mentioned.

The attorneys for the Cherokee Nation will also be permitted to appear on that date and introduce any testimony they may desire in said case.

Very respectfully,

Acting Commissioner.

Registered.

Cherokee B 885

COPY

Muskogee, Indian Territory, February 27, 1907.

Tennessee Carnes,

Southwest City, Missouri.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of your child, Bertha May Butler, as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED *James S. Gandy*
Commissioner.

Encl. H-3
JMH

Register.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D. 883

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

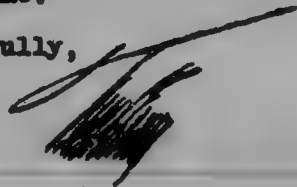
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Bertha May Butler as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,



Commissioner.

Encl.H-5
JMH

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Bertha May Butler as a citizen by blood of the Cherokee Nation, together with the decision of the Commissioner, dated February 27, 1907, denying said application.

Respectfully,

SIGNED *Tans C. C. C.*

Commissioner.

Encl. B-6
JMH

Through the Commissioner
of Indian Affairs.

(COPY)

J.P.

W.H.W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.13377-1907.

I.T.D.8012-1907.

L.R..

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby approved. Copy of Indian Office letter, submitting your reports and recommending that the decisions be affirmed, is enclosed.

Title of Case.	Date of your letter of transmittal.
William T. Davis (by intermarriage),	February 28, 1907.
Missouri J. Freeman, et al. (by blood),	February 23, 1907.
Sissie (by blood),	February 23, 1907.
James Killer (by blood),	February 27, 1907L
Che-ko-na-la Wolfe (by blood),	February 28, 1907L
Moretta Brownslow (by blood),	February 28, 1907.
Nanna Thomason, et al. (by blood),	February 28, 1907.
Eller McDonald, et al. (by blood),	February 28, 1907.
J. George Porter (by blood),	February 28, 1907.
Bertha May Butler (by blood),	February 27, 1907
Emilie Doccards (by blood),	February 28, 1907E
Sarah Walker, now Justice (intermarriage),	February 26, 1907.
William H. Nobles (by intermarriage),	February 28, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson
Acting Secretary.

1 enclosure, and
26 enclosures to Ind. Of.,
with copy hereof.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward for your consideration the enclosed records of the Commissioner to the Five Civilized Tribes involving applicants for enrollment as citizens by blood of the Cherokee Nation as follows:

21878	Emily Diccards;
21879	Sarah Justice; nee Walker;
21881	Bertha May Butler;
21882	J. George Porter;
21883	Eller, Cirtrude, Wirtle and Pearl McDonald;
21885	Nanna Thomason and her children, Melvin, Arthur, Lee, Willie, Minnie, Mary, Lonny and Dallas Thomason;
21837	Nonette Brownlow;
21889	Che Ko no la Wolfe;
21890	James Keller;
21891	Sizzie;
21895	Missouri J. Freeman and her children, Mary M. Sexton, Arizona and Easter Redell, George Freeman, Jr., Annie Lee Freeman, Willie H. Freeman and her grandchildren, Isaac A., Joseph McKinley, David R. and Mandy M. Sexton, James M., Effie Jane, Bessie Lee and Ozmer Lee Redell.
21897	William T. Davis,
21900	William H. Nobles.

Commissioner Bixby determined that none of the applicants in the above entitled cases is entitled to enrollment as

a citizen by blood of the Cherokee Nation.

The records have been examined in the Office and it is recommended that the decision of the Commissioner be approved.

Very respectfully,

C. W. Larrabee,

Acting Commissioner.

KHN-GM

0763

REFER IN REPLY TO THE FOLLOWING:

Cherokee D. 883

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23, 1907.

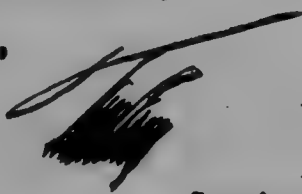
Tennessee Carnes,
Southwest City, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of your child, Bertha May Butler, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl. H-15

JMH

Muskogee, Indian Territory, March 23, 1907.

V. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, dated February 26, 27 and 28, 1907, rejecting the applications for the enrollment of the following named persons, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907:

William T. Davis (by intermarriage).
Missouri J. Brooman, et al. (by blood).
Sisale (by blood).
James Kibler (by blood).
Beretta Brownlow (by blood).
Che-ho-ma-la Wolfe (by blood).
Hanna Thompson, et al. (by blood).
Elmer McDonald, et al. (by blood).
J. George Porter (by blood).
Bertha May Butler (by blood).
Mollie Discards (by blood).
Sarah Walker, nee Justice (by intermarriage).
William H. Nobles (by intermarriage).

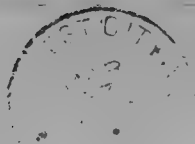
For your information, there is enclosed herewith a copy of Departmental decision referred to.

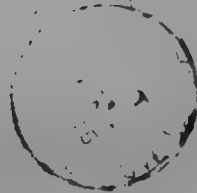
Respectfully,

SIGNED *W. S. Dixie*

Commissioner.

Encl. H-16
JWH

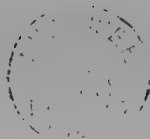




Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



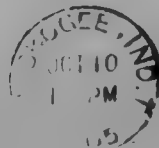
Tennessy & Co. Inc.,

St. Louis, Missouri.

Department of the Interior.

Commission to the Five Civilized Tribes,

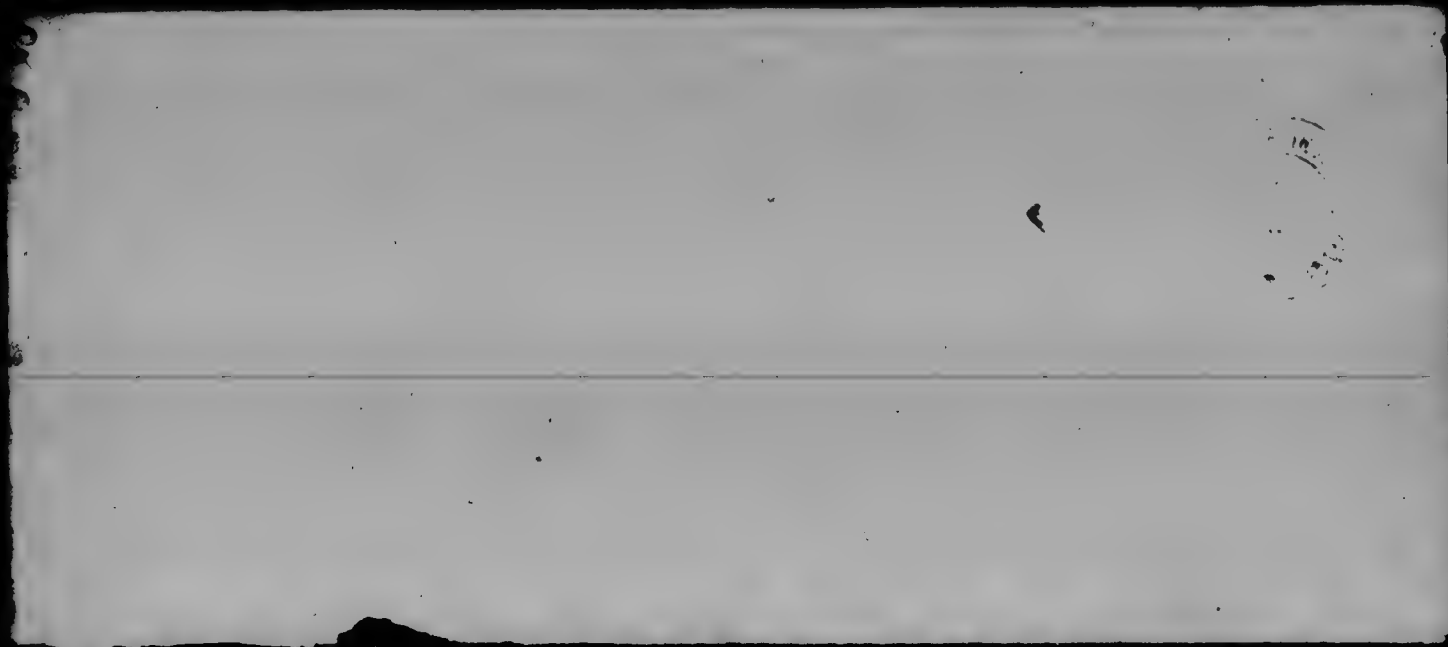
MUSKOGEE, IND. TER.



Chas. J.

Dear Mr. Carter:

Yours at City, Ind. Aug.

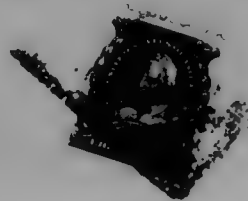




Department of the Interior.

Commissioner to the Five Civilized Tribes,

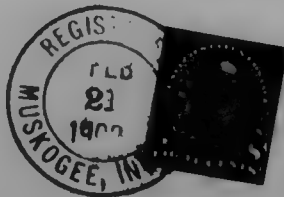
MUSKOCOE, IND. TER.



4741

Mrs. Tennessee Horn,

Southwest City, Missouri.



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

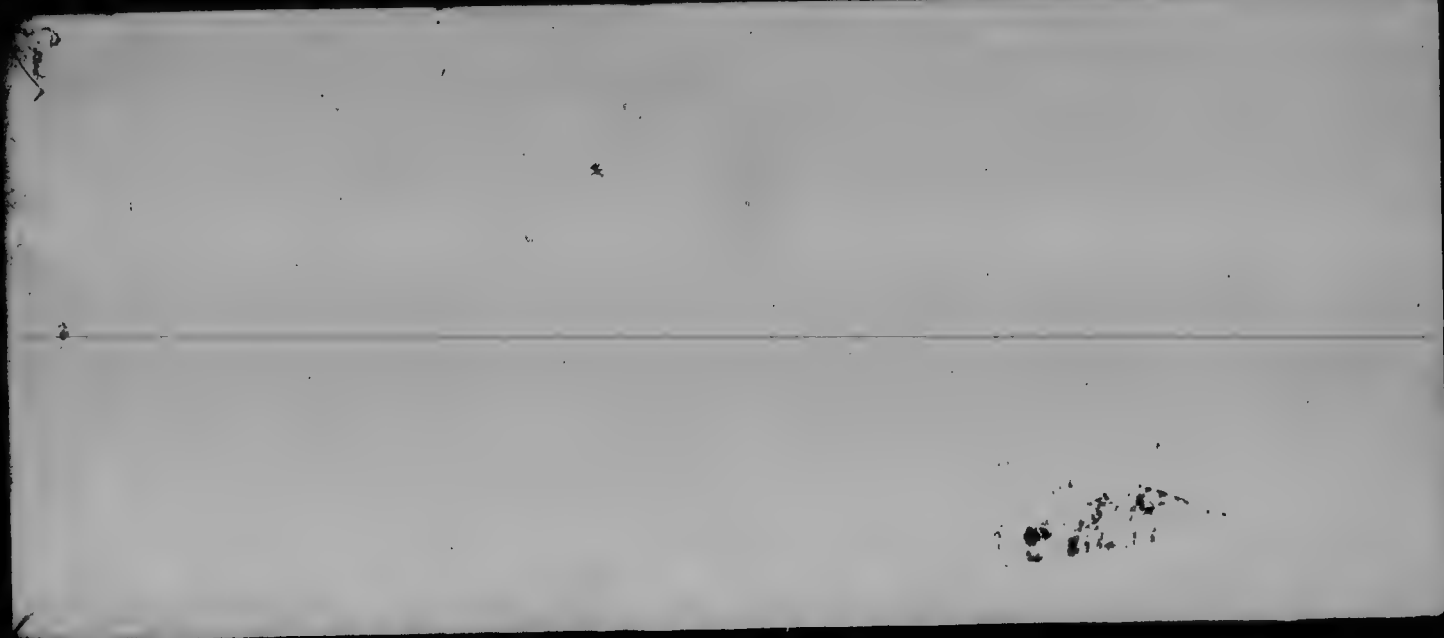
45

43

Mrs. Tennessee Carnes,

Southwest City, Missouri.

1189





Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Tennessee Barnes,

Southwest City, Mo.,

Lammot & Coated

Ry 27
-25-



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

9036

Tennessee Carnes

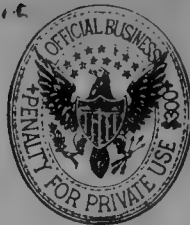
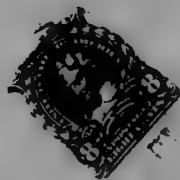
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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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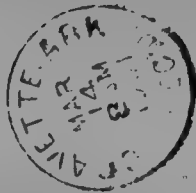


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Terrell, C. C.

St. Louis, Mo.

1875, H. C. C. C.



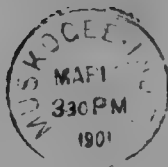
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Tennessee Carnes,
Southwest City,
Missouri.

undelivered

at/-

98/-

10883

undelivered

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 11 1901



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Paid for private use, \$300.

Mrs. Tennessee Barnes,
Southwest City,
Missouri.

CHEROKEE

D 883

MATTER OF THE APPLICATION OF

Charles Deane et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 12/4/16

Memo of Application of 12/4/16

Birth certificate

*Test from the Deane case Sept
& included*

Notice of final Consideration 3/12/17

Deane

D 883

Cher D 884

Cher D 884

19884

Mary Cornelia Spencer--2.

all her life and she will be listed for enrollment as a Cherokee
by blood.
She claims that her husband married her in accordance with
Cherokee law eight years ago, but is unable to produce records to
license and certificate at this time. She states that she was once
formerly married but that her former husband was dead at the time
she contracted her present marriage, and that her husband was also
formerly married, but that he was dead at the time she
his present marriage was contracted. He is identified on the roll
of 1896 as a Freedman. She states that she and her husband have
lived together in the Cherokee Nation ever since their marriage.
He will now be listed upon a DOUBTFUL CARD for the production of the
Cherokee license and certificate, which the applicant states that
she has, and also for the further consideration of his rights by
intermarriage, it being contended by the Cherokee Representatives
that their law does not provide for Freedmen to acquire Cherokee
rights by intermarriage.

-----00000000-----

J. O. Reason, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof

Subscribed and sworn to before me this 8th day of December, 1900.

Commissioner.

DOUBTFUL, as to Husband, Manual Spencer:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 4th, 1900.

In the matter of the application of Mary Cornelia Spencer for the enrollment of herself and husband as citizens of the Cherokee Nation; said Spencer being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Mary Cornelia Spencer.
Q How old are you? A 38.
Q What is your post office? A Tahlequah.
Q Do you live in Tahlequah district? A Yes, sir.
Q Who is it you want to enroll? A Just me and my husband.
Q Any children? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your husband a Cherokee by blood? A No, sir, he is a colored man.
Q How long have you lived in the Cherokee Nation? A All my life, born and raised here.
Q Give me the name of your father? A James R. Hendricks.
Q Is he dead or alive? A He is living.
Q Give me the name of your mother? A Nancy.
Q Is she dead or alive? A She is dead.
Q Have you ever been married except to your present husband? A Yes, sir, once before.
Q To whom were you married then? A Thomas H. Ross.
Q Was he a Cherokee or white man? A He was half colored and half Cherokee.
Q Is he dead or alive? A He is dead.
Q When did you marry him? A Married him sometime in '80 or '81, I do not know which.
Q When did he die? A He died nine year, the ninth of this last November.
Q Did you live with him until he died? A Yes, sir.
Q Was he ever married before he married you? A No, sir.
Q When did you marry your present husband? A It will be eight years, this January coming.
Q What is his full name? A Manual Spencer.
Q How old is he? A He is near about 49.
Q Was he ever married before he married you? A Yes, sir.
Q How many times? A Once.
Q Who was it he married the first time? A Jennie Griffin, a colored woman.
Q When did he marry her? A I do not know--'72 I think.
Q Is she dead? A Yes, sir.
Q When did she die? A I do not know, sir, when she died.
Q About how long ago? A She has been dead several years when I married him.
Q It has been some 10 or 12 years? A Yes, sir.
Q Did he live with that wife until she died? A Yes, sir.
Q Has he lived with you ever since you and he were married? A Yes, sir.
Q Have you a license and certificate of marriage? A Yes, sir, I never brought them with me.
Q He got a Cherokee license did he? A Yes, sir. With the seal of the Cherokee Nation on it.
1880 Roll; page 765, 4014, Cornelia Hendricks, Tahlequah.
1890 Roll; page 1234, 42223, Cornelia Spencer, Tahlequah.
1890 Roll; page 1322, 4469, Manual Spencer, Freedmen Roll, Tahlequah District.

Sgt. Breckinridge:--The applicant applies for the enrollment of herself and husband. She is identified on the rolls of 1880 and 1890 as a native Cherokee. She has lived in the Cherokee Nation

Mary Cornelia Spencer--2.

all her life and she will be listed for enrollment as a Cherokee by blood.

She claims that her husband married her in accordance with Cherokee law eight years ago, but is unable to produce requisite license and certificate at this time. She states that she was once formerly married but that her former husband was dead at the time she contracted her present marriage, and that her husband was also formerly married, but that his former wife was dead at the time his present marriage was contracted. He is identified on the roll of 1896 as a Freedman. She states that she and her husband have lived together in the Cherokee nation ever since their marriage. He will now be listed upon a DOUBTFUL CARD for the production of the Cherokee license and certificate, which the applicant states that she has, and also for the further consideration of his rights by intermarriage, it being contended by the Cherokee Representatives that their law does not provide for Freedmen to acquire Cherokee rights by intermarriage.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

J. O. Rosson

Subscribed and sworn to before me this 8th day of December, 1900.

[Signature]

Commissioner.

FILED
DEC 4 1900

ACTING CHAIRMAN

TAHLEQUAH.

CHEROKEES BY BLOOD AND ADOPTION.

Date

DEC .4 1900

1900.

Name

Murrel Spencer

Tahlequah, Ia.

District

TAHLEQUAH.

Year

1890

Page

1322

No.

469

Citizen by blood

Col.

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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Year

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No.

Age

On 1896 Freedman roll

Marriage license and cert to be supplied.

The foregoing has been recorded in the
 Office of the Agent at Fort
 August 17th 1879
 Wm. D. Mc
 J. S. Hillman
 Baker, Mr. Church

This is to certify that the
 of July 1879, the
 provisions to be seen in the
 and the
 at the
 of the

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
 APR 20 1901

AGT. W. CHAIRMAN

7880
 1887

18887

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE LAND OFFICE
WASHINGTON
APR 30 1881
FILED

This is to certify that on the 29th day
of July 1879 I celebrated the rite of
matrimony between Mr. Emanuel
and Spenser; and Miss Jennie
Coffin at the parsonage in the
presence of witnesses

J. S. Hillman
Pastor Mor. Church

The foregoing has been recorded in the Clerk's
Office of Antiquak Dist. Ct. Allen Ross
August 2^d 1879
Clerk J. D. C. W.

Received Nov 4 1843
R. M. Dickinson
J. J. C. W.
This Nov 9-1843

X Cherokee Nation
Tahlequah District

Know all men by these presents
That I Allen Ross Clerk of the said
said by the Authority vested in me
by law do hereby grant a license
to Emanuel Spencer ^{a citizen of the United States} to marry
Lenny Griffin a Citizen of the Cherokee Nation
he having complied with the law
regulating intermarriages with Citizens
of the United States & Foreigners

To any ordained Minister of the
Gospel, Judge or Clerks of any of the
Courts You are hereby authorized to
perform the Marriage Ceremony
between Emanuel Spencer and
Lenny Griffin and return this
License with your Certificate of
Marriage for Record

Given under my hand
and seal of Office at Tahlequah
Cherokee Nation - This 28th day of
July A.D. 1879

Allen Ross Clerk
Tahlequah Dist
C.N.

8112887

RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES
VBB 30 APR 1901
FILED
D

SUPPLEMENTAL TESTIMONY.

Cherokee Card No. 884.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MANUEL SPENCER as a Cherokee citizen by intermarriage:

MANUEL SPENCER, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

- Q What is your name? A Manuel Spencer.
Q How old are you? A About 47.
Q What is your post office address? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Adopted.
Q Have you ever been recognized by the Cherokee authorities as
a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A I think so.
Q Who do you desire to have enrolled besides yourself?
A Just myself.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Spencer.
Q Where did he live? A Texas.
Q Where were you born? A Texas.
Q How long have you lived in the Cherokee Nation? A Twenty-six
years.
Q What is your wife's name? A Cornelia.

(Records of this Commission show that applicant has been
enrolled on Cherokee Doubtful Card No. 884.)

BY W. W. HASTINGS, Cherokee Representative:

- Q Manuel, were you ever married before you married your present
wife? A Yes, sir.
Q What was her name? A Jennie Griffin.
Q Is she now living? A No, she is dead.

S U P P L E M E N T A L T E S T I M O N Y .

Cherokee Card No. 884.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT SISSON, L.T., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
MANUEL SPENCER as a Cherokee citizen by intermarriage:

MANUEL SPENCER, being sworn and examined by Commissioner
T. H. Swales, testified as follows:

- Q What is your name? A Manuel Spencer.
Q How old are you? A About 47.
Q What is your post office address? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Adopted.
Q Have you ever been recognized by the Cherokee authorities as
a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A I think so.
Q Who do you desire to have enrolled besides yourself?
A Just myself.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Spencer.
Q Where did he live? A Texas.
Q Where were you born? A Texas.
Q How long have you lived in the Cherokee Nation? A Twenty-six
years.
Q What is your wife's name? A Cornelia.

(Records of this Commission show that applicant has been
enrolled on Cherokee Doubtful Card No. 884.)

BY W. W. HASTINGS, Cherokee Representative:

- Q Manuel, were you ever married before you married your present
wife? A Yes, sir.
Q What was your first wife's name? A Jennie Griffin.
Q Is she dead or alive? A She is dead.
Q When did she die? A I think, I don't remember just exactly,
she died in about a year after I married, married in 1879.
Q She died then before you married this wife? A Yes, sir.

---ooo000ooo---

J. O. Rossen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
 foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 30th day of April, 1901.

[Signature]

Commissioner.

R.

C. D-884.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Hamel Spencer for the enrollment of himself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskogee, I. T., on the 12th day of
March, 1902, and that on said date he might appear before the Com-
mission, either in person or by attorney, when an opportunity would
be given him to introduce any further testimony affecting the appli-
cation. Receipt has been acknowledged of the Commission's letter,
and the applicant having this date, to-wit: the 12th day of March,
1902, been called, and failing to respond, it is deemed that his
case is completed, and same will be reported to the Commission for
final decision based upon the evidence now of record.

RECEIVED
MAR 13 1902
U. S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-854.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Mamuel Spencer for the enrollment of himself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskogee, I. T., on the 12th day of
March, 1902, and that on said date he might appear before the Com-
mission, either in person or by attorney, when an opportunity would
be given him to introduce any further testimony affecting the appli-
cation. Receipt has been acknowledged of the Commission's letter,
and the applicant having this date, to-wit: the 12th day of March,
1902, been called, and failing to respond, it is deemed that his
case is completed, and same will be reported to the Commission for
final decision based upon the evidence now of record.

RECEIVED
MAR 13 1902
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

2091 13 NOV

2-Chet-D-884

Q before I married him.
Q What was your first husband's name? A Thomas Ross. They most always
called him Tom Wicket; his grandmother's name was Wicket.
Q What became of your first husband? A He died.
Q When did he die? A He died in 1891 I believe.
Q Did you live with him up to the time of his death? A Yes, I lived
with him until he died.
Q Have you ever married but the one time before you married your present
husband? A No.
Q You are his second wife? A Yes sir.
Q He is your second husband? A Yes.

Frances R. Lane upon oath states that as stenographer to the
Commission to the Five Civilized Tribes who correctly recorded the testi-
mony in the above entitled cause, and that the foregoing is an accurate
transcript of her stenographic notes thereof.

Subscribed and sworn to before me this November fifth, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 30, 1902.

In the matter of the application of Manuel Spencer for enrollment as a citizen by intermarriage of the Cherokee nation.

Mary C. Spencer, called as a witness in the above entitled cause, being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary C. Spencer.
Q How old are you? A Thirty-three years.
Q What is your postoffice address? A Tahlequah.
Q Are you a citizen by blood of the Cherokee nation, and recognized as such? A Yes sir.
Q What is your husband's name? A Manuel Spencer.
Q Is he a non-citizen and an applicant for enrollment as an intermarried Cherokee? A Yes sir.
Q Is he a white man? A No, a colored man.
Q Where was your husband, Manuel Spencer raised? A He was raised in Cincinnati.
Q Ohio? A No, up on Arkansas.
Q Raised in the state of Arkansas? A Yes sir.
Q How long has he lived in the Cherokee nation? A He has been here- I don't know exactly how long; he has been here twenty-odd years; I don't know just exactly.
Q Your husband does not claim rights as a Cherokee freedman? A No sir.
Q If he applied in 1896 census--if he appeared on the 1896 census roll as a Cherokee freedman, that was a mistake, was it? A Yes, I guess it was.
Q The only right he claims in the Cherokee nation is the right he gets through his marriage to you? Isn't that right? A Yes.
Q He was not a slave before the war, in the Cherokee nation? A No.
Q He was not living in the Cherokee nation before the war? A No sir.
Q He never did live here until long after the war closed? A That's right.
Q How long have you and Manuel Spencer been married? A A Married in 1892 or 1891, I don't know which.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you and your husband Manuel Spencer lived together ever since you were married in 1892 up to the present time? A No, not exactly; we have separated a month or two--something like that.
Q When were you separated? A Years ago.
Q Did you have a falling out? A No, not to say falling out; I would go off and leave. It was my contrariness.
Q You had a little of the Indian in you? A Yes, I guess so.
Q How long were you separated at that time? A I would stay a couple of months maybe, and maybe not so long.
Q Were you separated several times? A Three times I think.
Q But you went back and went to living together as man and wife? A Yes.
Q How long has it been since you and he were separated the last time? A Over four years ago now, I guess.
Q And for the four last years you have not been separated at all? A No.
Q Were you and he living together as man and wife on the 1st day of September, 1902? A Yes, been living that way up until now.
Q Has Manuel Spencer lived in the Cherokee nation all the time since his marriage to you up to the present time? A Yes, never was out of the nation since we was married.

Examination by Mr. Hastings,--Cherokee representative

- Q Was Manuel Spencer ever married before he married you? A Yes.
Q Who did he marry? A Jennie Griffen.
Q What became of his first wife? A She died.
Q When did she die? A I can't tell you.
Q Was that before his marriage to you that she died? A That was long before I ever married him that she died.
Q Was he married just one time before? A Yes.
Q Were you ever married before you married him? A Yes, I was married

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before I married him.

- Q What was your first husband's name? A Thomas Ross. They most always called him Tom Wicket; his grandmother's name was Wicket.
- Q What became of your first husband? A He died.
- Q When did he die? A He died in 1891 I believe.
- Q Did you live with him up to the time of his death? A Yes, I lived with him until he died.
- Q Have you ever married but the one time before you married your present husband? A No.
- Q You are his second wife? A Yes sir.
- Q He is your second husband? A Yes.

Frances R. Lane upon oath states that as stenographer for the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 11th, 1902.

B. C. Jones
Notary Public.

ad
62DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Manuel Spencer as a citizen by intermarriage of the Cherokee Nation.

DECISION.

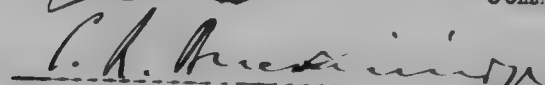

The record in this case shows that on December 4, 1900, Mary Cornelia Spencer appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of her husband, Manuel Spencer, as a citizen by intermarriage of the Cherokee Nation. She also made application for her own enrollment, but she has been differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Fort Gibson Indian Territory on April 30, 1901, *at Muskogee 35 on Oct 30, 02*

The evidence in this case shows that Manuel Spencer was first married under a Cherokee marriage license on July 29, 1879 to Jennie Griffin, a colored woman. It is alleged that after her death he was married under a Cherokee marriage license to Mary Cornelia Hendricks a citizen by blood of the Cherokee Nation. It further appears that Manuel Spencer is a colored man, and he is identified on the Cherokee Census roll of 1896 as a freedman. He has resided in the Cherokee Nation for 26 years.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is, therefore, the opinion of this Commission that the application for the enrollment of Manuel Spencer as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.
Commissioner.
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polcat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Balldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McAmish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Berthoff	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peck	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John L. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McTay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. O'neal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wily	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Edwin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Murrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Teece	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Usrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oha Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parnelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almirá Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneokar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. E. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Mareella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Disie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Columbus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

6 D884

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 25 1902

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20,

1902.

Mrs. Mary Cornelia Spencer,

Tablequah, Indian Territory,

Madam:-

You are hereby notified that the application of Manuel Spencer

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes; at its office in Muskogee, Indian Territory, on

the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-884
Register.

Yours truly,

XXXXXXXXXXXX
Acting Chairman.

Commissioner in Charge.

Muskogee, Indian Territory, October 13, 1902.

Mary Cornelia Spencer,

Tahlequah, Indian Territory.

Dear Madam:

The act of Congress approved July 1, 1902 (Public No.241) and ratified by the citizens of the Cherokee Nation, August 12, 1902, provides that " the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two."

~~You are hereby directed to appear before the Commission to~~
the Five Civilized Tribes, at its office at Muskogee, Indian Territory, prior to October 31, 1902, and testify relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation, on September 1, 1902.

Please give this matter your prompt attention, as the evidence desired is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished, no further action will be taken looking towards your final enrollment as a citizen by intermarriage.

M. G. S.

Please present this letter when you appear before the Commission.

Respectfully,

Commissioner in Charge.

Cher. D 884

Muskegee, Indian Territory, January 10, 1907.

Manuel Spencer,

Tahlequah, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. _____ D _____

Commissioner.

Cherokee D884

Muskegee, Indian Territory, March 14, 1907.

Manuel Spencer,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated January 10,
1907, rejecting the application for your enrollment as a citizen
by intermarriage of the Cherokee Nation, was affirmed by the
Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

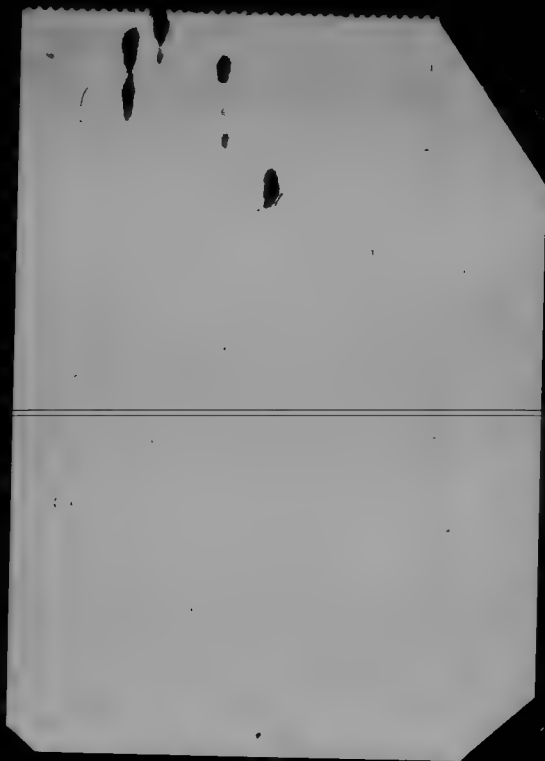
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.



Ans

FILED

D 884

APPLICATION

Samuel Spencer

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 12/4/00

Memo of Application of 1/1/01

Marriage license & certificate

Subsequent testimony April 30/01

Notice of final consideration 3/12/01

Excision

D884

Cher. D 885

Cher D 885

IN THE MATTER OF THE APPLICATION OF

George Richards et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 12/4/00

Memor. of Application of 12/4/00

Supplementary testimony of 12/19/00

Certificate from Executive Secy. Gen. H.

Smith certificate of William D.

Review

Notice of final consideration, 3/12/01

Brief testimony

MAY 7 1905

Ch...

See packet No 1456

Cher D 886

Cher D 886

D 889

DEC 2 1904
OFFICE OF THE
SOLICITOR GENERAL

It is overruled that the...
immediately...
State of...
of the Cherokee...
the Cherokee...
see being...
the time of...
fact of her...
thereafter...
the said...
suspended...

The undersigned, being sworn, states that on...
Commissioner...
testimony...
true and...

Subscribed and sworn to before me this...
at...
Notary Public...

WITNESSES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TALLAHUEE, I.T., DECEMBER 4th, 1900.

IN THE MATTER OF THE APPLICATION OF Alexander Miller for the enrollment of his wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Alexander Miller.
Q How old are you? A Thirty four.
Q What is your Postoffice address? A Pryor Creek.
Q What district do you live in? A Cowanowocowee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q For whom do you apply? A My wife and child.
Q What is the name of your wife? A Martha Miller.
Q How old is she? A She is twenty one.
Q When were you married to her? A 1897: Here's the certificate.

By Com'r. T. B. Needles: The applicant presents a marriage license and certificate of marriage, certifying that he was married to Miss Mattie Herrin, eighteen years of age, on the 31st day of March, 1897.

- Q What are the names of your children? A Charles E.
Q How old is he? A Two years old.
Q Only one child? A Yes sir.
Q What is your wife's mother's name? A Paulina Herrin.
Q Is she living? A Yes sir.
Q What is her father's name? A W. B. Herrin.

By Com'r. T. B. Needles: The applicant presents a certificate of admission, issued from the office of the Commission on Citizenship, dated Tallahuee, September, 1883, signed by James Tokes, Alec Wolfe and T. F. Thompson, Commissioners, D. W. C. Dixon, Clerk of the Commission, the correctness of the copy presented being certified to be B. W. Alberty, Executive Secretary of the Cherokee Nation, under the seal of the Cherokee Nation, certifying that on the 7th day of September, 1883, among others, one Martha Herrin was admitted to citizenship as a native Cherokee.

- Q Is the Martha Herrin mentioned in this certificate the identical person you claim to be your wife? A Yes sir.
Q When did she remove to the Cherokee Nation? A In 1891.
Q Where did she live previous to that time? A At Tallahuee until 1898, then she lived at Pryor Creek, and has lived there ever since.
Q Where did she live before 1891? A In Arkansas with her mother.
Q Her first removal to the Cherokee Nation was in 1891?
A She was here when she was admitted in 1883, and then she went back to Arkansas. She was taken back by her father and mother.
Q She was a minor then? A Yes sir.
Q And she lived in Arkansas until 1891? A Yes sir.
Q How old was she in 1891? A Eleven years old.
Q Has she been living in the Cherokee Nation continuously since 1891? A Yes sir.

(1896 Roll, Page 184, #8487, Mattie Herrin, Geo. District)

By Com'r. T. B. Needles: The name of Martha Miller is found up on the census roll of 1894, as Mattie Herrin: She is duly identified as a minor. Her husband, Alexander Miller, swears that she has one child, Charles M. Miller, two years of age, by him, whose name does not appear upon any roll, but satisfactory proof of birth is presented. The applicant also presents satisfactory proof of the admission of his wife to citizenship in the year 1883, the proof being: one particularly described in the testimony.

It is further stated that the witness with her mother
arrived in the city of New York in 1899, to the
care of her mother, who was then residing at 123 West 12th
Street, New York City. The witness was then about 12
years of age. She was educated in the public schools of
the city of New York, and was a member of the
St. Ann's Church, New York City. She was then
employed as a stenographer in the office of
the said Martin Miller and her mother, and was
suspended, and this matter will be placed upon a bench mark.

The undersigned, being sworn, states that he is stenographer to the
Commission to the Five Civilized Tribes, he personally reviewed the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of December, 1900.

COMMISSIONER.

C. D-283.

Department of the Interior.
Commission of the Five Civilized Tribes.
Washoe, D. T., March 12, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Martha Miller for the enrollment of herself and child as citizens
of the Cherokee Nation.

The applicant and her attorney were notified by registered
letter February 20, 1901, that the application of Martha Miller for
the enrollment of herself and child as citizens of the Cherokee
Nation, would be taken up for final consideration by the Commission
at its office in Washoe, D. T., on the 12th day of March, 1901.
Receipt has been acknowledged of the Commission's letter, both by
the applicant and by her attorney. There was also received on the
12th day of March, 1901, a letter from the applicant's attorney,
J. Howard Taylor, Jr., Esq., Washoe, D. T., requesting that the testimony
filed in the matter of the application of Pauline Heron, Cherokee Roll
Card D-344, be filed with and made part of the record in this case.
Also that the record show that the name of the father of the appli-
cant, Martha Miller, is Pauline Heron, instead of M. E. Heron, as
shown in the testimony of Alexander Miller, the applicant's husband,
when he was before the Commission on the 4th day of December, 1900,
making application for the enrollment of his wife.

Attorney for the applicant also enclosed a brief in the case,
and stated in his request that, on behalf of the applicant, he
was taking the case to the Commission for final decision based upon
the testimony and record in this case.

The representative of the Cherokee Nation present before the
Commission on the 12th day of March, 1901, will be reported to the
Commission for final decision based upon the evidence of record,
in addition to that requested to be made part of the record by
attorney for applicant.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission of the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and cor-
rect transcript of the stenographic notes thereof.

R.

B. D-884.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martha Miller for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant and her attorney were notified by registered letter February 20, 1902, that the application of Martha Miller for the enrollment of herself and child as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, both by the applicant and by her attorney. There was also received on the 12th day of March, 1902, a letter from the applicant's attorney, J. Howard Langley, Pryor Creek, I. T., requesting that the testimony had in the matter of the application of Pauline Heron, Cherokee Roll Card D-326, be filed with and made part of the record in this case. Also that the record show that the name of the father of the applicant, Martha Miller, is E. W. Heron, instead of V. B. Heron, as shown in the testimony of Alexander Miller, the applicant's husband, when he was before the Commission on the 4th day of December, 1900, making application for the enrollment of his wife.

Attorney for the applicant also enclosed a brief in the case, and stated in his request, that, in behalf of the applicant, he submits the case to the Commission for final decision based upon the testimony and records in the case.

The representative of the Cherokee Nation present submits the case, and the same is deemed completed, and will be reported to the Commission for final decision based upon the evidence of record, in addition to that requested to be made part of the record by attorney for applicant.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

D 886

Martha Miller et al

Applicant's Brief.

Copy

~~XXX~~ In the matter of the application of Martha Miller and her child, Charles M. Miller as Cherokees by blood.

Applicant's Brief.

It appears from the testimony in this case that the applicant, Martha Miller, was admitted to citizenship in the Cherokee Nation, in September, 1883, together with her mother, Pauline Herrin; that applicant, Martha Miller, was, at the date of admission, about 3 years old, and was taken immediately after her admission to the state of Arkansas, and remained until 1891, or until the said Martha Miller was 11 years of age, when she and her mother returned to the Cherokee Nation, where both parties have resided since. And would seem that before applicants can now be denied citizenship that the said Pauline Herrin, mother of applicant, must be declared to have forfeited her citizenship, and be denied enrollment; which does not seem to be the case; see D-326, testimony of which is made a part of the records in this case.

Beside, applicant, Martha Miller, was a minor at the time her mother, by reason of her Cherokee blood, was admitted to citizenship in the Cherokee Nation, and had removed to the Cherokee Nation, and made permanent settlement therein previous to the passage of the Act of June 26th, 1898; and is certainly entitled to enrollment under the said Act, which "authorizes and directs" this commission to enroll "all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted".--- Sec. 21.

Attorney for applicants.

Copy with the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskegee, I. T. June 5th 1902.

In the matter of the application of Martha Miller for the enrollment of herself and child as citizens of the Cherokee Nation by blood.

No. Cherokee D. 886.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Martha Miller was admitted to citizenship in the Cherokee Nation on the 7th day of September 1883 but did not remove to the Cherokee Nation until the year 1891; her parents were citizens and residents of the state of Arkansas where they continued to reside for a period of eight years after her readmission and the Cherokee Nation contends that it was necessary for her to have been readmitted to citizenship in the Cherokee Nation upon her return here in the fall of 1891.

Respectfully submitted,

W W Hastings JCS
Attorney for the Cherokee Nation.

105

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Miller and her minor child Charles E. Miller, as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 4, 1900, Alexander Miller appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife Martha Miller, and his minor child Charles E. Miller as citizens by blood of the Cherokee Nation.

The evidence shows that Martha Miller, under her maiden name of Martha Herrin, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation on September 7, 1863. She is identified on the Cherokee Census roll of 1896. Charles E. Miller is the issue of a marriage between said Martha Herrin and Alexander Miller. He is identified by a birth affidavit on file with this Commission.

The evidence further shows that Martha Miller has resided in the Cherokee Nation continuously since 1891, and that she and her said child were residents of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Martha Miller and Charles E. Miller should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 18 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 886.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Alexander Miller for the enrollment of his wife, Martha Miller, and his child, Charles E. Miller, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 10.

THE MATTER OF THE APPLICATION OF

Martha Miller Neal

FOR ENROLLMENT AS

~~CHURCH~~ CITIZENS.

- Original testimony of *12/4/02*
- Memo. ^{IN} Application of *12/4/02*
- Marriage license and certificate
- Certified copy of admissions petition
- Certified copy of Act of National Council
- Birth certificate of Charles E.
- Receipt for same

Dec 10 1902

At Notice of final consideration, *3/12/02*

I Affirm and I will

Sept
tra

d.

D-880

Cher D 887

Cher D 887

COMMISSIONER

FILED

DEC 3

ACTING CHAIRMAN

2884

2

DOUBTFUL, as to applicant, John M. Ware.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 5, 1900.

In the matter of the application of John M. Ware for the enrollment of himself, wife and children, as Cherokee citizens; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q Give me your full name? A John M. Ware.

Q How old are you? A 36 years old.

Q What is your post-office address? A Vinita.

Q In what district do you live? A Cooweescoowee.

Q Who do you want to have enrolled here? A Myself and family.

Q Have you a wife? A Yes sir.

Q How many children have you? A I have 2 step-children and two of my own.

Q Are you a Cherokee by blood? A No sir, white man.

Q Is your wife a Cherokee by blood? A Yes sir.

Q Let me see your marriage license please, and certificate.
A (Produces papers)

Com'r: The applicant presents an official copy of marriage license issued by the Clerk of Delaware District December 25 1893 authorizing his marriage to Miss Mattie Prather, and a certificate, showing that he was married in accordance with said license on the 31st of the said month and in the same year, by the Rev. A.R. Bogle; this is filed herewith.

Q Have you lived with your wife ever since you married her in 1893?
A Yes sir.

Q Were you ever married except to this wife? A No sir.

Q Was she ever married except to you? A Yes sir, she was a widow when I married her.

Q How many times was she married before you married her? A Once.

Q Was her former wife dead when you married her? A No sir.

Q Was she divorced from him? A (Applicant produces papers)

Q What was the name of your wife's first husband? A Richard L. Prather.

Q Your wife's full name at this time is Mattie Ware? A Mattie A.

Q How do you want it put, Mattie A.? A I couldn't hardly say how it is, I think it is Mattie A. on the 1890 roll.

Q How do you want it put now? A Mattie A.

Q How old is your wife? A She is 34 I believe.

Q Was she lived in the Cherokee Nation all her life? A Yes sir, she was born and raised in the Cherokee Nation.

Q Give me the name of her father? A Ed Carr.

Q Is he dead? A No sir.

Q Give me the name of her mother? A Susie Carr.

Q Is Susie Carr dead? A No sir, she is living.

Q Your wife's first husband was named R.L. Prather? A Yes sir.

Com'r: The applicant presents a copy, certified to by S.T. Parks, Notary Public of the Northern District of the Indian Territory, of what purports to be an official copy of an agreement of separation between his wife and her first husband, showing that according to said agreement between themselves, the same involving certain property arrangements and the possession of the children, they by agreement separated and dissolved the bonds of matrimony so far as they could so do by said agreement, on the 26th of May, 1898.

Q Now did any court ever give judgment and issue a decree of divorce ~~on the basis of this agreement~~ based on this agreement? A No sir, I guess not.

Q There has been nothing but this agreement. A That's all.

Q Where is the official copy of this agreement furnished by the assistant secretary of the Cherokee Nation? A It is at Vinita;

Preston Davis has it; that copy was taken from the records here at Tahlequah, and I got this from that; I expected to get on at Vinita but failed to get on there.
Com'r: So far as this has value you should supply the Commission with an official copy issued by the custodian of the public documents - that document of which this is a copy; at present however this will be filed; you are requested to file the Commission with an original official copy.

Q Give me the names of your two step-children? A Callie Prather
Q How old is that child? A She is 16 years old.
Q Give me the name of the next child? A Richard L. Prather.
Q How old is that child? A He is 10 years old.
Q Now give me the names of your own children? A Goldie A. Ware.

Q How old is that child? A She is 5 years old.
Q Give me the name of the next child? A Bulah.

Q No middle name has she? A No sir.
Q How old is that child? A She is 3 years old.

Q These children are all living now? A Yes sir.

1880 roll page 236 #524 Hattie A. Carr Delaware Dist, native Cher;

1896 roll page 284 #5209 Hattie A. Ware Cooweescoowee;

1896 roll page 339 #1064 John Ware Cooweescoowee, adopted white;

1896 roll page 284 #5212 Goldie Ware "

1896 roll page 284 #5210 as Caroline P. Ware " 12 years old

1896 roll page 284 #5211 Richard P. Ware "

Q Was R.L. Prather a Cherokee or a white man? A He was known as a Cherokee.

Q Have you any one here who knows your wife was known before her marriage as Hattie Carr? A Yes sir, Bill Hastings knows her I suppose.

WILLIAM W. HASTINGS, being sworn and examined by Com'r Breckinridge testified as follows:

Q What is your full name? A William W. Hastings.

Q What is your post-office? A Tahlequah.

Q You are one of the representatives of the Cherokee Nation here?

A Yes sir.

Q Do you know Mr. Ware here? A Yes sir.

Q Do you know his wife? A Yes sir.

Q What was her name before she married? A Her maiden name was Hattie Carr.

Q You know her as Hattie Carr? A Yes sir, I think she has been married a second time; yes sir, her maiden name was Hattie Carr.

Q Do you want this child called Callie or Caroline? A Caroline

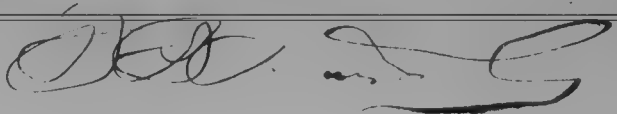
Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two-children and two step-children, the latter being children of his wife by a former husband; his wife is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life and she will be listed for enrollment as a Cherokee by blood; Before her present marriage she is shown to have been married the wife of one R.L. Prather and the two step-children Caroline and Richard L. Prather, the children of that marriage, are identified on the roll of 1896; they are living and will be listed for enrollment as Cherokees by blood; of the two children of the present marriage, the older one Goldie A. Ware is identified on the roll of 1896, is now living and will be listed for enrollment as a Cherokee by blood; when the Commission is supplied with a certificate of the birth of the younger child, Bulah Ware, this child also will be listed for enrollment as a Cherokee by blood; as for the applicant himself, he is shown to have married his wife in accordance with Cherokee law December 31, 1893; he was never previously married; he has lived with his wife ever since his marriage, and he is identified on the roll of 1896; he is a white man; he states that his wife was once previously married;

she is shown to have effected a separation from her ~~husband~~ former husband prior to her marriage to the applicant, by agreement; it does not appear that this agreement was ever sanctioned by judicial action; the applicant himself will now be listed upon a doubtful card, as a Cherokee by intermarriage, for the further consideration of his status, and he is desired to supply the Commission with an official copy of the agreement of separation between his wife and her first husband, in addition to the present copy of the copy which is on file.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this December 5, 1900.



Commissioner.

0887
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 5 1900

 ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

DEC 5 1900

1900.

Name Jim M. Ware, Vinta, S. A. Date _____
 District 800 Year 1896 Page 329 No. 111-1
 Citizen by blood No Mother's citizenship _____

Intermarried citizen yes
 Married under what law Cherokee Date of marriage Nov 31, 1893
 License _____ Certificate _____

Wife's name _____
 District _____ Year _____ Page _____ No. _____
 Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____
 Married under what law _____ Date of marriage _____
 License Filed Dec 5, 1900 Certificate Filed Dec 5, 1900
 Names of Children: _____

Dist.	Year	Page	No.	Age
Dist. <u>111</u>	Year <u>1896</u>	Page <u>329</u>	No. <u>111-1</u>	Age <u>11</u>
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____
Dist. _____	Year _____	Page _____	No. _____	Age _____

Not in 1896 will be 1896
Have a divorce of friend with man from
husband to be supplied:

2884

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1900

ACTING CHAIRMAN

4581
1884
Approved by the "Five Civilized Tribes" Council
Dec 1900

J. E. Wickham
Clerk of the Five Civilized Tribes
Done by Cert. of the Five Civilized Tribes
and Council of the Five Civilized Tribes

J. E. Wickham

Acting Chairman
Dec 1900

1084

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEC 3 1900
FILED

11

Recorded in this the 12th day of *Nov*
1894

J. E. Vinican
Clerk

I here by certify that this is a true
and correct copy of the Original

J. R. Hasting
Clerk

Marriage License
 was the 25th day of December
 1893. Issued to John Wain a citizen
 of the United States to marry Mrs Hattie
 Prather a citizen of the Cherokee Nation
 The said John Wain having complied
 with the laws of the Cherokee Nation
 regulating intermarriage between whites
 and Indians his recommendations being
 signed by the following named citizens of

- | | | |
|---|------------------|--------------------|
| | blood | 6 Richard Pielch |
| 1 | Charles E. Snell | 7 Wade Pielch |
| 2 | William Storr | 8 James Muskrat |
| 3 | S. C. Cox | 9 Nat. Perry |
| 4 | L. M. England | 10 J. C. [unclear] |
| 5 | Alam Muskrat | |

I hereby certify that on the 31st
 day of December 1893, I issued in the
 following words of matrimony Mr John Wain
 a citizen of the U. S. to marry
 Mrs Hattie Prather a citizen of the C. N.
 agreeable to the authority given in
 within License and the customs &
 laws of the C. N.

Given under my hand on this the 31st
 day of Dec in the year A. D. 1893.

Rev. A. R. Bogle

2884

67

CO

SES

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DEC

1906

W. L. Prather

MAN

Prather.

P. L. Prather and Wattle ..

Agreement between

of

C O P Y

C O P Y

of

Agreed Separation between
E. L. Prather and Mattie L.
Prather.

RECEIVED

DEC 10 1900

RECEIVED

SES.

COMM. DIV.

28884

Cherokee Nation, Delaware District,
May 26th. 1933.

This agreement by and between P. M. Prather of the Cherokee Nation, party of the first part and Mattie A. Prather, his wife, party of the second part,

Witnesseth:

That the said P. M. Prather party of the first part, conveys, quitclaims and delivers and by these presents has conveyed, quitclaimed and delivered unto the said Mattie A. Prather party of the second part, the following described property to wit:

One improvement situated in the Cherokee Nation adjoining the Seneca Reserve, north of the place of P. M. Prather, consisting of one house and fifty acres of land enclosed with a wire fence, with all the rights, privileges and appurtenances thereto belonging; two cows and calves and all such household goods as said Mattie A. Prather may select and it is further agreed by the said P. M. Prather of the first part, that the said Mattie A. Prather may keep the children, two in number until such time as the said P. M. Prather may permit. It is further agreed that the said P. M. Prather shall maintain the said Mattie A. Prather as long as the said Mattie A. Prather shall have said children in charge. For and in consideration of the conveying, quitclaim and delivering the above described property to said Mattie A. Prather, the said Mattie A. Prather by these articles does agree and by these ~~presents~~ articles, has agreed to a full and sufficient separation and release of said P. M. Prather from the marriage bonds as the wife of said P. M. Prather and the said Mattie A. Prather by this agreement, waives all legal rights as the wife of said P. M. Prather, not otherwise specified in this agreement.

Witness our hands and seals on the day and year *first* above written.

P. M. Prather.
Mattie A. Prather.

Witnesses,
L. W. Vann,
W. Angel.

Subscribed and sworn to before me this the 26th.
day of May, 1933.

P. M. Walker,
Deputy Clerk,
Delaware District, C.N.

A true copy of the original and recorded this 23th day of
May 1933.

P. M. Walker,
Deputy Clerk,
Delaware District, C. N.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Terr.
November 1st. 1900.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the agreed separation of P. M. Prather and Mattie A. Prather, as copied from the records of the Clerks of Delaware District, Cherokee Nation. Said records being a part of the records of this office.

In testimony whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation, the year and date last above written.

(S E A L)

A. B. Cunningham,
Assistant Executive Secretary, C.N.

United States of America,
Northern District,
Indian Territory.

S. S.

I, S. F. Parks, a Notary Public in and for
the above named District and Territory, do hereby certify that the
within and foregoing agreement by and between A. G. Prather party
of the first part and Mattie A. Prather, party of the second part, is
a true and correct copy of the original as was to me presented.

Given under my hand and Seal as such Notary this
the 21st day of November, A. D. 1900.



Notary Public.

My Commission expires September 25th 1904.

In the Regular term of the Circuit Court for Cooweescoowee District
convened on the 12th. day of May 1890, Hon. G.Benge Presiding , Court
convened at 9 o'clock A.M.

3#####33333

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In the case of

Hattie A.Prather

vs.

Richard Prather. Confession of judgement by defendant with the fol-
lowing agreement to-wit; ~~that~~ defendant enters a confession of judg-
ment and a decree of absolute divorce is ordered by the court and it
is further ordered that the custody of the child Callie Prather shall
remain with Hattie Prather , Praintiff , in accordance with the terms
of the contract made on the 25th. day of March 1890, and recorded in
the Clerk's office in Cooweescoowee District by R.L.Prather and Hattie
Prather , to-gether with all and singular the property mentioned
1) the said agreement to be the individual interests of Hattie Prather
to have for her own use and control, withour bar from R.L.Prather ,
this ~~not~~ being not more than one half their mutual property.

Executive Department, Cherokee Nation

Tahlequah I.T., December 5, 1900

I hereby certify that the above and foregoing is a true and correct
copy of the record as shown by the Circuit Court Record of Cooweescoowee
District, so far as the same relates to the parties herein named,
and that said Record is now on file in this office.

J. Parks

Executive Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John M. Ware, as a citizen of the Cherokee Nation.

SUPPLEMENTAL STATEMENT

On the 5th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes, a certified copy of an agreement of separation, between R. L. Prather, and Hattie A. Prather, his wife, wherein they mutually agreed to an equitable division of their joint property, and also of a separation of the bonds of Matrimony heretofore existing.

On the 5th of December, 1900, there was also filed with the Commission, a certified copy of confession of judgment by defendant, in the case of Hattie A. Prather vs Richard Prather, wherein a decree of absolute divorce is ordered by the Court; and also that the custody of the child, Callie Prather, shall remain with Hattie Prather, in accordance with the agreement of separation, made on the 25th day of March 1890, hereinbefore shown. Copies of which are on file in the office of the Commission.

It is directed that copies of this statement be filed with the testimony in this case.



Dated at Muskogee, Indian Territory,
this 12 day of March, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., October 19, 1902.

In the matter of the application of John M. Ware, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

JOHN M. WARE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q Your name is John M. Ware? A Yes sir.
Q How old are you? A I am 37 years old.
Q What is your post office? A Vinita.
Q You are a white man? A Yes sir.
Q You have made application to be enrolled as an intermarried Cherokee citizen? A Yes sir.
Q What is the name of your wife? A Hattie A. Ware.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A In 1894.
Q Were you married under a Cherokee marriage license?
A Yes sir.
Q Is Hattie A. Ware your first wife? A Yes sir.
Q Are you her first husband? A No sir.
Q She was married before was she? A Yes sir.
Q Was her first husband a white man or a Cherokee?
A A Cherokee, I suppose.
Q What was his name? A Richard L. Prather.
Q Is he dead? A Yes sir.
Q When did he die? A I disremember.
Q Before you married her? A No sir.
Q He didn't die before you married her? A No sir.
Q Were they divorced at the time you married her? A Yes sir.
Q How long had she been divorced before you married her?
A I can't tell you the exact time, something like three years I think though.
Q You were never married before? A No sir.
Q Have you and your wife been living together in the Cherokee Nation since your marriage in 1894? A Yes sir.
Q Been living together continuously? A Yes sir.
Q Have you made your home outside the Cherokee Nation during that time? A No sir.
Q You and your wife were living together on the first day of last September, were you? A Yes sir.
Q Have you any children? A Yes sir.
Q Living at home with you? A Yes sir, three.
Q None of them have died within the last three years?
A No sir.

B. C. Bagwell, an oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 17, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
John M. Ware as a citizen by intermarriage of the Cherokee Nation.

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D E C I S I O N .

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The record in this case shows that on December 5, 1900, John M. Ware appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of himself, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that John M. Ware was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on December 31, 1893, to Hattie Prather, nee Carr, a citizen by blood of the Cherokee Nation, who is identified on the Cherokee Authenticated Roll of 1880, also the Cherokee Census Roll of 1896. The evidence further shows that his said wife was divorced from a former husband on May 12, 1890. John M. Ware is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said John M. Ware has lived with his said wife in the Cherokee Nation continuously from the date of his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that John M. Ware should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Acting Chairman.
Commissioner.
Commissioner.

Dated at Muskogee, Indian Territory,

this

NOV 20 1902

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. December 2nd 1902.

In the matter of the application of John M. Ware for enrollment as a citizen by intermarriage of the Cherokee Nation.

Cherokee D. 887.

Motion to re open.

Comes now the Cherokee nation and represents to the Commission that reliable information has been received to the effect that the applicant John M. Ware was married prior to his marriage to his present wife, that he had not been divorced from his first wife when he married his second wife and was therefore not free to contract his present marriage and moves the Commission to set aside the judgment rendered in this case and to reopen said case and to summon the said John M. Ware to appear before the Commission at some convenient time in order that he may be further examined with reference to his first marriage and that the Cherokee nation be afforded an opportunity of disproving his right to be enrolled as a citizen by intermarriage of the Cherokee Nation.

Respectfully submitted,


Attorney for the Cherokee nation.

CS

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. December 2nd 1908.

In the matter of the application of John M. Ware for enrollment as a citizen of the Cherokee Nation by Intermarriage.

Cherokee D. 887.

Motion to Reopen case and set aside Judgment.

Comes now the Cherokee Nation and moves the Commission to reopen the Case of John M. Ware and set aside the judgment heretofore rendered and hold same for naught and set said ~~case~~ ^{case} down for a further hearing in order that the Cherokee Nation be permitted to introduce further testimony to disprove the right of applicant to be enrolled as a citizen by intermarriage of the Cherokee Nation.

And for grounds to support said motion the Cherokee Nation alleges and expects to prove by Lee B. Smith, William I Thornton and others that the applicant John M. Ware was previously married that his first wife was alive when he contracted marriage with his present Cherokee wife, that he had not procured a divorce from his previous wife but that he left her in the state of Texas and came to the Cherokee nation again where he married his present wife; That he was not free to contract the marriage with his present wife and that he is therefore not entitled to be enrolled as a citizen by intermarriage of the Cherokee nation.

That this ~~motion~~ ^{motion} is not made for the purpose of delay but that justice might be done.

respectfully submitted,

W W Hastings Jr
Attorney for the Cherokee nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT CASE NUMBER D-887.

In the matter of the application
for the enrollment of John M. Ware, as a
citizen by intermarriage of the Cherokee
Nation. } MOTION TO RE-OPEN CAUSE.

STATEMENT OF RECORDS.

The record in this case shows that on December 8, 1900, at Tahlequah, Indian Territory, John M. Ware appeared before the Commission to the Five Civilized Tribes, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, October 10, 1902.

On November 20, 1902, the Commission rendered a decision, granting the application of the said John M. Ware, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

On December 2, 1902, the Cherokee Nation by its representative, filed a motion to re-open cause and in support of said motion, alleges that he expects to prove by Lee B. Smith, William I. Thornton and others, that the applicant, John M. Ware was previously married; that his first wife was alive when he contracted marriage with his present Cherokee wife; that he had not procured a divorce from his first wife, prior to his marriage to his present wife and hence was not free to contract his present marriage.

ORDER.

It is, therefore ordered by the Commission that the motion to re-open this cause be, and the same is hereby allowed, and that the decision of the Commission heretofore rendered be set aside and held for naught.

It is further ordered that this cause be set down for further hearing on the 6th day of January, 1902, at the office of the Commission at Vinita, Indian Territory.

(SIGNED).

T. B. Needles.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this 15th day of Dec, 1902.

Commission to the Five Civilized Tribes,
Vinita, I. T., January 4, 1903.

In the matter of the application of JOHN A. WARE, for the
enrollment of himself as a citizen by intermarriage of the
Cherokee Nation.

Appearance:

The Cherokee Nation appears by its representative
J. C. STARR, the applicant does not appear either for himself
or by any person for him.

The Commission. This case has been re-opened, and having
been set down for further hearing, on January 5, 1903, at the office
of the Commission, at Vinita, Indian Territory, now, on this the
5th day of January, 1903, at four o'clock p. m., comes the Cherokee
Nation, by its representative J. C. Starr, and asks for a continu-
ance until January 19, 1903, on the ground that the Nation's
witnesses are sick and unable to be present, and that he has
reasonable cause to believe that they will be able to appear on
said 19th day of January, 1903.

The motion is granted, and the case is continued until
January 19, 1903.

COMMISSION TO THE
FIVE CIVILIZED TRIBES

FILE

RI

J. P. C. Bagwell, a stenographer to the Commission to the
Five Civilized Tribes, on oath states that the foregoing is an
accurate transcript of the stenographic notes of the proceedings
had in the above entitled case, as the same were reported by
James D. Carr, stenographer, and by him read to me.

Witnessed and sworn to before me this February 7, 1903.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., January 6, 1903.

In the matter of the application of JOHN M. WARD, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

Appearances:

The Cherokee Nation appears by it's representative J. C. STARR; the applicant does not appear either for himself or by any person for him.

The Commission: This case having been re-opened, and having been set down for further hearing on January 8, 1903, at the office of the Commission, at Vinita, Indian Territory, now, on this the 6th day of January, 1903, at four o'clock p m, comes the Cherokee Nation, by it's representative J. C. Starr, and asks for a continuance until January 19, 1903, on the ground that the Nation's witnesses are sick and unable to be present, and that he has reasonable cause to believe that they will be able to appear on said 19th day of January, 1903.

The motion is granted, and the case is continued until January 19, 1903.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that, the foregoing is an accurate transcript of the stenographic notes of the proceedings had in the above entitled cause, as the same were reported by Jesse O. Carr, stenographer, and by him read to me.

Subscribed and sworn to before me this February 7, 1903.

Samuel P. Foran
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 19th, 1903.

-----X
In the matter of the application
of John M. Ware for the enrollment
of himself as a citizen by
intermarriage of the Cherokee
Nation.
-----X

Supplemental to D-887.

The Cherokee Nation shows personal service of notice on the applicant that testimony would be taken tending to disprove his right to be enrolled as a Cherokee Citizen, at Vinita, Indian Territory, on January 19th, 1903.

The applicant, being three times called, fails to respond either in person or by attorney.

The Cherokee Nation appears by its representative J. C. Starr.

William I. Thornton, being duly sworn, testified as follows:

Examination by Mr. Starr.

- Q. What is your name? A. William I. Thornton.
Q. What is your age? A. I will soon be 86 years old.
Q. What is your post office? A. Southwest City, Missouri.
Q. Are you acquainted with the applicant, John M. Ware?
A. Yes, sir.
Q. About how long have you known him? A. I knew him when he was a little boy, when he was not more than 3 or 4 years old.
Q. Are you acquainted with his present wife, Hattie Ware?
A. Yes, sir; I have seen her.
Q. Do you know of John M. Ware having a wife before he married Hattie Carr? A. Why, all I know about it, he used to live with a woman in our neighborhood there and claimed her to be his wife, I suppose. He had children by her. He kept house. His mother was at our house one time and said John had married in Texas.
Q. What was his first wife's name? A. I believe it was Mattie Price. She went then by the name of Mattie Ware.
Q. Where did they live at the time John M. Ware was living with this first wife? A. I believe they lived on a piece of land belonging to his mother.
Q. Where was that land located? A. It was out east of the line road there, about two miles from me.
Q. In the state of Missouri? A. In the state of Missouri.
Q. How long did John M. Ware live up there? A. I don't know. I suppose he must have lived there a year or two. I couldn't say just exactly.
Q. It was generally known throughout the community that this Mattie was his wife? A. Yes, that was the supposition.
Q. They had some children? A. Had two.
Q. What became of this Mattie Ware? A. He carried her back to Texas. They passed my house that day when they were going to Texas.

Q. How long was it before he returned? A. I suppose about a year; about that time. I couldn't just exactly state.

Q. Well, was it generally known throughout the community up there that this woman was his wife? A. Yes, sir; that was the supposition, that it was his wife.

Q. He held her out in the community as his wife? A. Yes, sir.

Q. She held him out as her husband? A. Yes, sir. My wife went down to Mrs. Evans, some of the folks was sick. He brought his wife in and introduced her to my wife and Mrs. Evans as his wife.

Q. That was his first wife? A. Yes, sir. Then they left there and went to Texas. Furthermore, I could state that his mother came there and stayed there all night and she said John married this woman and she said she was afraid that it would cause him trouble. She said she was afraid if that woman down in Texas got hold of it she would cause John some trouble.

Examination by the Commission.

Q. John Ware is a white man? A. Yes, sir.

Q. Claiming citizenship through his present wife? A. I suppose so.

Q. What was his first wife? A. His first wife was a white woman, I suppose. They never claimed any right here. They lived in Missouri.

Q. Where did he marry her? A. In Texas, I suppose. That is what his mother said.

Q. How long did he live with this woman? A. I don't know. I guess he must have lived there a year or a year and a half.

Q. Lived where? A. In Missouri.

Q. How long did he live in Texas? A. I don't know how long he lived there before he moved up here. When he left here and went to Texas he went as a single man; the first time he went.

Q. How long had he been gone before he come back with his wife? A. Four or five years.

Q. How many children did they have? A. They had two. They brought one with them; had one up there.

Q. What was her name? A. I think her name was Mattie Price.

Q. They separated? A. I suppose so. That is what his mother said. They separated in Texas.

Q. Do you know what was the cause? A. No, sir; I don't know only what his mother said. She was afraid if that woman found it out John would get in trouble.

Q. What year did he go to Texas? A. I don't know. It must have been sometime in the early part of '90.

Q. Was he gone a year? A. I expect something like that.

Q. Then he came back? A. Yes, sir.

Q. In 1893 he was married to his present wife Mattie?

A. I expect that is about the time.

Q. You say they were recognized as husband and wife? A. Yes, sir; they was recognized and lived here as man and wife.

Q. She went by his name? A. Yes.

Q. Introduced her as his wife? A. Yes, sir.

Q. You don't know whether they were legally married, or not?

A. No, sir; I couldn't say.

Q. Supposed to be married in Texas? A. Yes, sir.

Q. So far as you know she was a white woman? A. I don't know she was a white woman but she never claimed any right in the nation.

By Mr. Starr:

Q. That is the same John M. Ware that afterwards married Mattie Carr? A. Yes, sir.

Lee Amos, being duly sworn, testified as follows:

Examination by Mr. Starr.

- Q. What is your name? A. Lee Amos.
Q. What is your age? A. 28.
Q. What is your post office? A. Grove, Indian Territory.
Q. Are you acquainted with John M. Ware, the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. Why, I have known him ever since I knowed any one, I reckon. We was raised right close together.
Q. Did you know him at the time he lived with his first wife? A. I knew him when it was supposed to be his wife. She lived there. They kept house together.
Q. How far did they live from you? A. About half a mile.
Q. What was his first wife's name? A. Her given name was Mattie.
Q. I don't know what her maiden name was.
Q. Did she go by the name of Mattie Ware? A. Yes, sir.
Q. Did John Ware introduce her as his wife? A. Yes, sir.
Q. Held her out in the community as his wife? A. Yes, sir.
Q. Was recognized by the community as husband and wife? A. Yes, sir.
Q. Did he have any children by this wife? A. They had two, I think.
Q. How long did they live in that vicinity near you? A. They lived there, I think, something like two years.
Q. What became of them after that? A. They went to Texas.
Q. Did he return? A. Yes, sir.
Q. Did she come back with him? A. No, sir.
Q. Was that before he married his present wife? A. Yes, sir.
Q. The John M. Ware that you knew of living with this woman Mattie is the same John M. Ware that afterwards married Mattie Carr? A. Yes, sir.
Q. John M. Ware is a white man? A. Yes, sir.
Q. His first wife was a white woman? A. I think so. They lived in the state of Missouri.

Examination by the Commission.

- Q. How old were these children? A. Why, one of them was born while they were living up there in Missouri and the other ~~xxx~~ one, I think, must have been, I think, right close to two years old.
Q. Were these Ware's children by that woman he was living with as his wife? A. Yes, sir.
Q. When he came back from Texas did he bring the children with him? A. No, sir.
Q. They were down there with their mother so far as you know? A. Yes, sir.
Q. Have you visited his home? A. Why, I have been there several times.
Q. Were you introduced to this woman? A. No, sir.
Q. Have you heard John M. Ware speak of her as his wife? A. Yes, sir. While they were living there in Missouri he did. I don't remember of him introducing her to me as his wife. I wasn't there much then.
Q. They were generally recognized in the community as husband and wife? A. Yes, sir.
Q. Kept house together? A. Yes, sir.
Q. The children living with him? A. Yes, sir. They were living with his mother. Well, then I believe he rented a house and they lived there.

Q. Did you ever see him since he came back from Texas?

A. Yes, sir.

Q. Never had any talk with him about his relations with that first woman? A. No, sir.

Q. It is supposed they separated down in Texas? A. Yes, sir. I heard his mother say she was afraid if she found out he married this other lady it would cause him trouble.

Q. How old a man is he? A. Why, he must be--I don't know, hardly. I guess he is between 35 and 40, though. I have an idea he is because he was about grown when I was a little bit of a chap.

BY THE COMMISSION:

This case will be continued to Monday, January 26th, 1903, in order that an effort may be made to have the applicant appear and testify regarding his relations with Mattie Price, alleged to be his first wife.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of March, 1903.

Samuel Foreman
Notary Public.

Q. Now, did you see a man in the room, did you? Yes, sir.
 Q. Did you see this man in the room? Yes, sir.
 A. I don't know what he was doing, but I saw him.
 A. Now, did you see him? Yes, sir.
 A. All right, now the man in the room, did you see him?
 A. Yes, sir. I saw him in the room.
 Poxas and he had his wife back in the room.

BY MR. STARR:

Q. He told her out in the community as well as in?
 A. Yes, sir.

BY THE COURT:

Q. She told the man back in the room, did you?
 A. Yes, sir. I suppose that's all.

RECORDED
 INDEXED
 JUL 1 1903
 CHAMBERLAIN

Jesse C. Cary, being sworn, deposes that he is
 stenographer to the Commission and that he has
 reported the above entitled matter and that he has
 true and complete transcript of the same.

Subscribed and sworn to before me this 11th day of April, 1903.

[Signature]
 Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, January 26th, 1903.

-----X
In the matter of the application of John M.
Ware for the enrollment of himself as a
citizen by intermarriage of the Cherokee
Nation.
-----X

Supplemental to
Cherokee D-887.

Cherokee Nation appears by J. C. Starr.

W. H. Amos, being duly sworn, testified as follows:

Examination by Mr. Starr.

- Q. State your name? A. W. H. Amos.
Q. What is your age? A. 58.
Q. What is your post office? A. Miami.
Q. Are you acquainted with John M. Ware, the applicant?
A. Yes, sir.
Q. How long have you known him? A. I have known him 27
years, or 8. Since he was quite small.
Q. Where was he living when you first knew him? A. McDonald
county, Missouri.
Q. How long did he continue to live in that country?
A. Well, something like 15 years, I guess, as well as I
remember.
Q. Well, did he have a family up there when you knew him in
Missouri? A. No, sir; not at that time.
Q. Did he afterwards marry? A. Yes, he left and went to
Texas and brought a wife back with him.
Q. What was her name, do you remember? A. No, I don't.
Q. How long did he and his first wife live by you? A. Some-
thing like a year and a half or two years.
Q. He held her out in the community as his wife?
A. Yes, sir.
Q. And the community so recognized her? A. Yes, sir.
Q. What became of her? A. Went back to Texas. He sent
her on a visit and the last time she stayed and my understanding
was they separated. Of course I don't know what the trouble was.
Q. Did they ever have any children? A. I think they had
one child.
Q. What became of it? A. I think she took it with her.

Examination by the Commission.

- Q. That was before he married his Cherokee wife?
A. Yes, sir.
Q. You don't know that woman's name, do you? A. No, sir;
I don't know. I did know but I have forgotten.
Q. Was it Mattie Price? A. I couldn't say for certain
what her name was.
Q. How long did they live together, did you say? A. They

must have been there a year and a half, may be two years.

Q. He brought this woman from Texas with him? A. Yes, sir.

Q. You don't know whether they were legally married or not?

A. No, sir; I don't.

Q. All you know they lived together as husband and wife?

A. Yes, sir. My understanding was they were married in Texas and he brought his wife back with him.

BY MR. STARR:

Q. He held her out in the community as his wife?

A. Yes, sir.

BY THE COMMISSION:

Q. She took the child back with her? A. Yes, sir.

Q. It was his child? A. I suppose so; yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of April, 1903.

Jesse O. Carr
Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John M. Ware, as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 5, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of John M. Ware, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory October 10, 1902; that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation; that on December 2, 1902, the Cherokee Nation filed a motion to set aside the judgment rendered on November 20, 1902 and to re-open this cause; that on December 15, 1902, the Commission to the Five Civilized Tribes granted the motion to set aside the judgment and re-open said cause, filed herein on December 2, 1902. Further proceedings were had at Vinita, Indian Territory January 6, 1903, January 19, 1903 and January 26, 1903.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John M. Ware, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage to Hattie A. Ware, formerly Hattie A. Prather, nee Carr, a recognized and enrolled citizen by blood of the Cherokee Nation, her name being found opposite No. 14566 on the approved partial roll of citizens by blood of the Cherokee Nation, on December 31, 1893. Said applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., versus the United States, Nos. 125, 126, 127 and 128, the said applicant John M. Ware, is not entitled, under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory
this FEB 20 1907

INDEXED 88

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
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1902 OCT 21 1902			

Thornton, W. I.,
Southwest City, Mo.,
October 20, 1902.

DHOCTAW

-----0-----
Wants case of John M.
Ware investigated.

COMMISSION

TO FIVE TRIBES

OCT 21 1902

Southwest City, Mo.
Nov. 20, 1872.
Hon. A. B. Williams, U.S. Marshal
St. Louis, Mo.

Dear Sir:

Please consider
investigate the case
of a late citizen of this
City, J. H. Ware, who is supposed
to have a living wife
in Texas from whom
he was never divorced
before marrying his
present wife.

For witnesses you
might summon L. D.
Smith, Southwest City,
Mo., Johnson Parks,
Southwest City, Mo.,
John Wesley Williams,

next to the House & to
of Convent in 1880.

I cannot regret to see
such things as I think
need repairing as it
is but fair that we
should take some pains
in this. I will report
such cases as I find
them out.

Very respectfully,
W. J. Johnston,

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-887.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of John M. Ware for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-203.

Southwest city

Mo. Nov 29, 02

Mr. J. C. Hays

I find through
Mrs Johnson Parks that
the first wife of John
Sherritt Ware was named
Mattie Price dont
know what County they
were married in but
his folks lived in
Cook, Montague, Clay
and Wilbarger Counties
from time to time.

From what I learn
they had two children
yet might find out
about them by writing

to Mr. Bert Thornton
at Maryville Cook Co Mo.
Respectfully

W J Thornton

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OFFER IN REPLY TO THE FOLLOWING

Cherokee D-887.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 16, 1902.

John M. Ware,

Vinita, Indian Territory.

Dear Sir:-

There is transmitted herewith a copy of the order of the Commission granting a motion of the Cherokee Nation filed December 2, 1902, to re-open your case for the purpose of introducing further testimony tending to show that you were married prior to your marriage to your present wife and that you had not procured a divorce from your first wife prior to your marriage to your present wife.

You are advised that this case has been set down for further hearing at the office of the Commission at Vinita, Indian Territory, on the sixth day of January, 1903.

Respectfully,



Acting Chairman.

Encl.P-148.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-887.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 16, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is herewith transmitted, a copy of the order of the Commission to re-open the application of John M. Ware, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation for the purpose of affording you an opportunity to introduce further testimony tending to show that the applicant was previously married; that his first wife was alive when he contracted marriage with his present Cherokee wife and that he had not procured a divorce from his first wife prior to his marriage to his present wife.

You are advised that this case has been set down for further hearing at the office of the Commission at Vinita, Indian Territory, on the sixth day of January, 1903.

Respectfully,



Acting Chairman.

Encl. P-147.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

NO. E. D.

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

MUSKOGEE IND. TER.

Vinita I. T. December 20th 1900

W. I. Thompson Esq

Sevier Co. Mo.

Dear Sir:

I have written to Texas to ascertain where John . . . married to his first wife. Please advise me if you ever saw his first wife and was ever at the house where they lived and if you were also give me the name of some one else who also was at the house and saw them while they lived together. We have got the case reopened and want to prove this in the event we fail to find the marriage record in Texas.

Yours truly,

ATTORNEYS

L. H. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE IND. TER.

Vinita I. T. December 20th 1902.

Mr. Sam. Houston,

Marshall, Texas.

Sir:

I am in need of money. I have been told that a man named
of John . . . is married to . . . in Texas. I have heard of this
man . . . and his children . . . I am desirous of proving this
man alive; please write us . . . married and then because of
this man's wife's price. I am in need of money and I am
Yours very truly,

1.

South West City.

Mo. Dec¹⁰ 27/902

Mr. J. C. Starr

Dear Sir
As the Mr. Jones who there
are numerous houses in
the vicinity of New
York is living in New
York City. The one I am
writing of is the house where
they lived near
the old house in
New York. They lived
in a house in New
York while ~~that~~
part of the

part of the house where they
lived is now at New

all the time
L. J. Thornton.

Also Pan who Lee knows
will be his wife and
child a lot more
as he is not entering
in movement let him
know at home J. J.
as the other is
movement not for
health not good
she is my daughter
and let me know
at my address what
has been done with
that Thornton woman here
W. J. J.

ATTORNEYS

L. H. HILL

W. W. HANTINGB

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

Jan 6th 1903

Dear Sir:

a man by the name of John M. Ware has applied for enrollment as a citizen of the Cherokee Nation and we have been advised that he has been previously married in Texas and that he ran away from Texas and left his wife there and came to the Cherokee Nation some time prior to 1895 and that he married in Texas between 1875 and 1895. Will you kindly examine the marriage records of your office and see if you find a marriage between John M. Ware and Mattie Price and if you find such a record send us a certified copy with your bill for same.

Yours truly,

J C Starr

There is no such marriage license as the one above mentioned of record in this office.
Montague Tex. 1-9-03. J. P. Strong Co. clk

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

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Dear Sir:

A man by the name of John M. Ware has applied for enrollment as a citizen of the Cherokee Nation and we have been advised that he has been previously married in Texas and that he ran away from Texas and left his wife there and came to the Cherokee Nation some time prior to 1895 and that he married in Texas between 1875 and 1895. Will you kindly examine the marriage records of your office and see if you find a marriage between John M. Ware and Mattie Price and if you find such a record send us a certified copy with your bill for same.

Yours truly,

Don't find any records of the marriage here

1/10/03

*Very Truly
J. B. Brown*

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE IND. TER.

JAN 6th 1903

Dear Sir:

A man by the name of John W. Ware has applied for enrollment as a citizen of the Cherokee Nation and we have been advised that he has been previously married in Texas and that he came from Texas and lived his life there and came to the Cherokee Nation some time prior to 1880 and that he married in Texas between 1870 and 1880. All you kindly examine the marriage records of your office and see if you find a marriage between John W. Ware and Mattie Ware and if you find such a record send us a certified copy with your bill for same.

Yours truly,

J C Starr

McKenzie, Okla. JAN 9 1903

ATTORNEYS

L. B. BELL.

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE, IND. TER.

Vinita I. T. January 6th 1903.

Mr. Bert Thornton Maysville, Tex.

Dear Sir:

We have been advised that John W. Ware of Indian Territory left a wife in Texas and that you would perhaps know about it please write us what you know about it and greatly oblige.

Yours very truly,

W. W. Hastings

NO.

2887

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy
of the within notice to John M.

W. C. C.
on the 14 day of Jan, A. D. 1903

Subscribed and sworn to before me this

Jan 19 1903
John M. C.
Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice
on this the 14 day of Jan 1903

Attorney for Applicant.

I, the undersigned agent for the within named
applicant, hereby accept service of the within notice
on this the 14 day of Jan 1903

Agent for Applicant.

JAN 22 1903
COMMISSIONER OF THE LAND OFFICE
INDIAN TERRITORY

NOTICE.

In the Matter of the application of John M. Ware
for enrollment as Cherokee citizens:

To John M. Ware,

Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on Jan 19, 1903, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this Jan 14 1903.

W. W. Hastings

No.

Attorneys for the Cherokee Nation.

J. R. Jordan,

COUNTY CLERK.

COOKE COUNTY

DEPUTIES:

S. K. RUDOLPH.

J. H. THEISEN.

D-887

Gainesville, Texas, Jan 19th 1903

J. C. Starr Esq
Muskogee

Dear Sir

Replying to yours of 6th Inst will state that
I have made a Careful examination of the Marriage
Records of my office and we where find a License
issued to John W. Warr, in this County.

Respectfully

J. R. Jordan

Clerk

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

MUSKOGEE IND. TER.

Vinita I. T. January 22nd 1903.

Haywood Amos,

Miami I. T.

Dear Sir:

Inclosed find a subpoena for your attendance at Vinita before
the Dawes Commission in the John M. Ware case On Jan 26th 1903. Please
accept service and be here promptly. Your mileage and per diem will be
paid.

Yours very truly,



INDEXED:

COMMISSION TO FIVE INDES.		RECEIVED MAY 7 1903	ANSWER Book	Cherokee Indian Territory
NO	13152			
1903				

Cherokee Land Office,
Tahlequah, I. T.
May 6, 1903.

Transmits record in matter of application of John W. Ware, Cherokee, D. 887, for decision.

CHIEF LAW CLERK

Handwritten signature/initials

Commission to Five Indies

Cherokee Indian Territory

RECEIVED

IN THE MATTER OF

Cherokee Indian Territory

RECORD TO BE COMPLETED

NOTED FOR DECISION

RECEIVED

NO. 1-11

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-887.

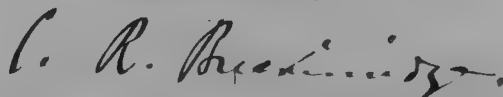
Tahlequah, Indian Territory, May 5, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of John M. Ware for enrollment as a citizen of the Cherokee Nation, Cherokee D-887, the record is deemed to be complete, and the same is herewith transmitted for decision.

Respectfully,



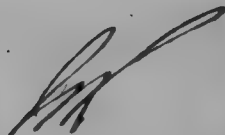
Commissioner in Charge
Cherokee Land Office.

Enc. R-12.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D. 887

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, February 20, 1907.

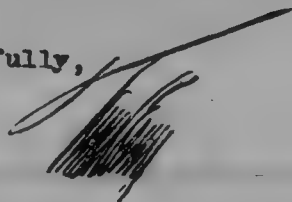
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, rejecting the application for the enrollment of John M. Ware as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Encl. E-28
BLF

Cherokee B. 227

COPY.

Muskogee, Indian Territory, February 20, 1907.

John M. Ware,

Vinita, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. 27-B
MLN

SIGNED
JAMES L. HAY
Commissioner.

Register.

COPY.

Muskogee, Indian Territory, February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John M. Ware as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, refusing said application.

Respectfully,

SIGNED

James D. G. G.
Commissioner.

Encl. E-29
BLR

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to the following:

Land
19527-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 20, 1907, relative to the application for the enrollment of John M. Ware, as a citizen by inter-marriage of the Cherokee Nation, together with the decision of the Commissioner, of February 23, 1907, refusing the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct. His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

CFL:LM

REFER IN REPLY TO THE FOLLOWING:

Cherokee D657

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

John M. Ware,

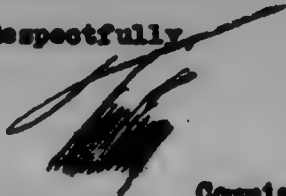
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully



Commissioner.

RPI

Enc I-208.

(COPY)

Refer in reply to the following:

Land
19887-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 20, 1907, relative to the application for the enrollment of John M. Ware, as a citizen by inter-marriage of the Cherokee Nation, together with the decision of the Commissioner, of February 23, 1907, refusing the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct. His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CFH:LM

Y.P.
W.H.H.

WASHINGTON.

March 2, 1907.

Direct.

3121

Title of Case.

Date of your letter
of transmittal.

February 23, 1907.
February 23, 1907.
February 23, 1907.
February 23, 1907.
February 23, 1907.
February 6, 1907.
February 23, 1907.
February 23, 1907.
February 16, 1907.
February 23, 1907.
February 26, 1907.
February 20, 1907.
February 23, 1907.
February 27, 1907.

Title of Case.

**Date of your letter
of transmittal.**

Willis S. Irwin, et al.,
 Beulah Hilly, (Greenback)
 William Ward,
 Sam Lee Miller, et al.,
 Sarah Hayes,
 James E. Finkett,
 Nellie Fox,
 Lurine Hilden, et al.,
 David W. Woodcock, et al.,
 Beaul Lee Hilden (Greenback)
 John Robinson, Sr.
 George A. Armstrong,
 J. W. Petty,
 John M. Ware,
 Mary Harlan,

February 14, 1907.
 February 14, 1907.
 February 15, 1907.
 February 21, 1907.
 February 21, 1907.
 February 22, 1907.
 February 22, 1907.
 February 14, 1907.
 February 14, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.
 February 21, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James E. Wilson,

51 enclosures and
 62 enclosures to Ind. of.
 with copy hereof.

Assistant Secretary.

AFMs.
 3-4-07.

Cherokee D887

COPY

Muskogee, Indian Territory, March 16, 1907.

John M. Ware,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

RPI

Commissioner.

Enc I-205.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D887

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of John E. Ware, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

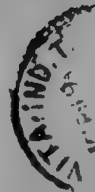
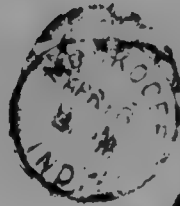
RPI

Commissioner.

Enc I-204

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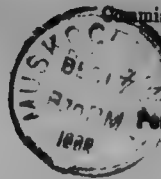


Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



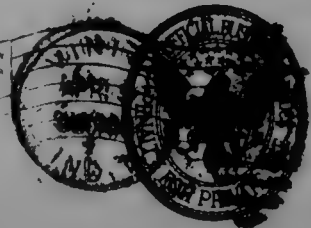
John M. Ware,

Vinita Indian Territory.

Department of the Interior.

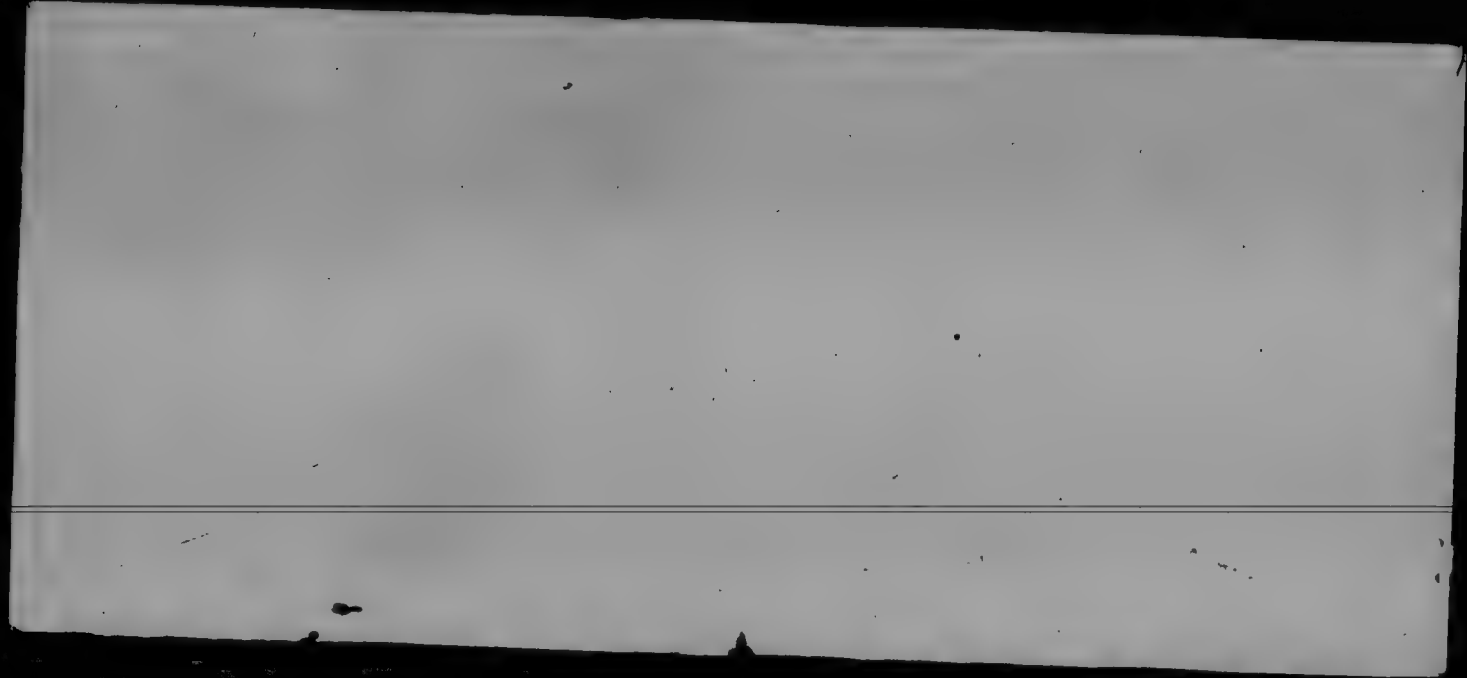
Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



John L. Ware,
~~Vinita, Indian Territory.~~

RECEIVED
MAY 18 1894



Department of the Interior.

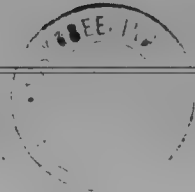
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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UNCLAIMED.

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4-1-18



156

John M. Ware,

~~Winita~~, Indian Territory.

Muskogee

Cher D 888

Cher D 888

888A

10/10/1944

10/10/1944

10/10/1944

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I. T., December 5, 1900.

In the matter of the application of Benjamin F. Palmour for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give us your full name? A Benjamin F. Palmour.
Q How old are you? A 51.
Q What is your post-office? A Cheloda.
Q In what district do you live? A Cowwasee.
Q Who do you want to have enrolled, yourself as fully?
A Yes sir, myself and children.
Q Have you a wife? A No wife now, no sir.
Q Your wife is dead? A Yes sir.
Q How many children have you? A 5.
Q Are these children under 21 and unmarried? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since 1893.
Q Have you ever been admitted to citizenship by the Cherokee Commission or Council? A Yes sir.
Q Have you a certificate of admission? A Yes sir, I have a copy. (Produces a paper).
Com'r: The applicant presents an official copy of the records of the Cherokee Commission on citizenship, showing that on the 22nd of September 1897, certain persons were admitted to citizenship, and among them appears the name of Benjamin F. Palmour, aged at that time 38 years.
Q That is your name in it? A Yes sir.
Com'r: This is recognized as official evidence of the applicant's admission as stated, and this document is filed herewith.
Q Now under that admission, came here in 1893, and have lived here ever since? A Yes sir, had my residence, place and property and so. I was out of here, - out on business, to prospect a gold mine went in 1895; I was back in 1896 and enrolled.
Q Where did you go? A I went to North Georgia.
Q Did you take your family with you? A Yes sir. I left my improvements and stuff here.
Q Left your household goods? A Yes sir, household goods and everything.
Q You came back when? A I came back the first of this year, first of January.
Q You left in 1895 and came back here the first of January 1900?
A Yes sir.
Q I want there to prospect a gold mine; that was my business; it wasn't my purpose to move; I left my home here and household and furniture, only just enough to make a living.
Q Did you get on the roll of 1896? A Yes sir.
Q How did you get on that roll? A I gave it in to Mr. Clingan and John McIntosh.
Q You were here yourself? A Yes sir.
Q When you left in 1895 you came back at least once before last January? A Yes sir, I came back in 1896.
Q How long did you stay here when you came back here then? A I was here a month.
Q You didn't bring your family with you? A No sir.
Q You had them put on the roll? A Yes sir.
Q And then went back to Georgia? A Yes sir, and worked there until last fall, prospecting a gold mine.
Q What interest did you have back here? A I had a house, bedding, and all, only what it taken to carry me; bedding, wagon and tools, and farming outfit.

- Q Where? A Yes sir.
- Q What did you do with your place while you were spending all that time in Georgia? A I left it in my son-in-law's care; the place I improved I had to buy; I had it under lease.
- Q Did your son-in-law make you any return for the place? A Yes sir, he made me a report every year, and paid the rent, what rents were coming; you see it was under lease and I didn't get any rents for the period of time it was under lease.
- Q What do you mean by under lease? A You know the Cherokee lease land to be improved.
- Q To individuals? A Yes sir.
- Q Did you improve the land? A I improved one side of it, yes sir.
- Q Did you collect any rents off of it? A Yes sir.
- Q When, - how much? A Well I got nine dollars in 1897 I reckon.
- Q That was the first you got? A Yes sir, and then I hired work done on the place, breaking, etc.
- Q In what year? A I couldn't tell you exactly what year it was.
- Q Was it after you got that nine dollars? A No sir, it was before.
- Q I don't yet see clearly what interest you had in that land? A Well I bought wire and fenced it and paid for breaking it.
- Q Who paid you for all that? A The place paid me the nine dollars, that's all I got up to that time; then you see I used it for feeding my team.
- Q What were you doing with your team if you were not working the place? A They had it on the place.
- Q Wasn't it your son-in-law's place? A No sir, I got nine dollars rent because it was under lease.
- Q Why would you throw in your team and feed them while it was under lease or wasn't under lease, if you were not getting anything for it? A I was having my team to break that piece of ground, and he got that done on a debt due him, and then I paid him.
- Q Can you tell me in a few words and in a plain and simple way, what interest you acquired in this country when you came here in 1893, and what interest you continue to hold? A I had this interest only; I claimed this as my home and I thought I had an interest here as a Cherokee.
- Q I am talking about your property interests; you came here in 1893, did you take any hold on the country; what have you done to show you intend to make this your home? A I got oats and built my fence in 1893 and 1894.
- Q You acquired lands then did you? A Yes sir.
- Q How do you keep on holding that land? A Yes sir.
- Q How much land did you acquire and what did you do to hold it? A There was a hundred acres in the field, about 149 acres in the whole improvement.
- Q That you got in 1893 and 1894? A Yes sir.
- Q Do you hold that land yet? A Yes sir.
- Q Have you held it ever since you first got it? A Yes sir.
- Q In your own name? A Yes sir, in my own name; I have got a bill of sale to it now.
- Q Your son-in-law had property too did he? A No sir.
- Q He just lived on your property? A No sir, only a month last fall.
- Q If he didn't have any property and didn't live on your property where did he live? A He lived in Chelsea.
- Q In town? A Yes sir.
- Q What did he do there? A He was hiring I think.
- Q Just renting a house there? A No sir, he had a house there.
- Q Then he had a little property? A Yes sir, he had a little house.
- Q Why didn't you come and enroll there at Chelsea? A I was

Benjamin F. Palmour et al

there waiting, and I didn't have my original certificate here, and I didn't get the copy in time to come in; I wouldn't have got it in time no way under your advertisement, that is the reason I didn't come then.

Q Give me the names of your children. A John D., is the oldest.

Q How old is that child? A 18 years old last June.

Q Now the next child? A Bessie.

Q How old is that child? A She is 17 the first of November.

Q Now the next child? A Robert.

Q How old is that child? A He is 15 years old.

Q The next child? A Mary Lou.

Q How old is she? A 13.

Q The next child? A Sarah.

Q How old is that child? A Sarah is 12 years old.

Q Now the next child? A Hugh A.

Q How old is he? A He is eight years old.

Q That's all is it? A That's all.

Q These children are living now are they? A Yes sir.

Q They living with you here in the Cherokee Nation? A Yes sir.

Q That's what made me hate to come down here and leave them by themselves without any woman.

Q What is the name of the mother of these children? A Aranda.

Q When did she die? A Died in August 1896.

Q Where did she die? A She died in Georgia.

Q She was a white woman? A Yes sir.

Q When did you marry her? A I married her on the 9th day of October 1881.

Q Were you ever married except to her? A Yes sir.

Q Was your former wife dead when you married her? A Yes sir she died in January 1881.

Q Were you married only once before you married this wife Aranda? A Yes sir, only once.

Q Was she ever married except to you? A No sir.

Q How long did you live with your first wife? A 12 years.

Q Have you children by her? A Yes sir.

Q They are not in this list? A No sir.

Q Your wife is on the roll of 1896? A Yes sir.

Q 1896 roll examined for applicant and family, and names not found.

Q Did you get your Cherokee Strip money? A Yes sir.

1894 roll page 274 #3386 Ben F. Palmour Cherokee Nation District;

1894 roll page 274 #3389 Bessie Palmour "

1894 roll page 274 #3390 Robert Palmour "

1894 roll page 274 #3380 John D. Palmour "

1894 roll page 274 #3391 Mary Palmour "

1894 roll page 274 #3392 Sallie Palmour "

1894 roll page 274 #3393 Hugh Palmour "

Q Now that Cherokee Strip money that you got, it was sent to you in Georgia? A No sir.

Q How did you get it? A I went to Vinita.

Q And got it yourself? A Yes sir.

Q Got your people put on the roll? A I was living here then.

Q That was before you went back to Georgia in 1885? A Yes sir.

Q So you came here in 1893 and stayed until after the Cherokee

Strip payment and then went back to Georgia? A I just went

back temporarily to prospect a gold mine; I didn't move back with my personal effects.

Read and by Cherokee Representative W. H. Hastings:

Q Were all these children born in Georgia? A Yes sir. I have some born here in this Nation, but they are by my first wife.

By Con'r Brockinridge:

Q You married this last wife in 1881? A Yes sir.

By W.F. Hastings:

- Q But all of those children were born in Georgia? A Yes sir.
- Q Your wife died in Georgia August, 1898? A Yes sir.
- Q She never came here after 1895? A No sir, I went back there to work in 1895.
- Q What kind of work did you do back there? A Dig gold; I went back there to prospect gold, that was my business.
- Q When did you come here? A In January. I prospected until last summer.
- Q Did you own a home back there? A No sir.
- Q Didn't you there? A No sir.
- Q Didn't you never own one back there? A No sir.
- Q Were you always just prospecting? A No sir, I rented when I farmed any; I didn't always prospect.
- Q Who do you live with at Chelsea? A My children.
- Q Live with your son-in-law? A No sir.
- Q Son-in-law? A No sir.
- Q You live in a separate house up there since you came back there in January? A Yes sir.
- Q Don't you know it is a violation of the Cherokee law to lease lands? A This was leased, what I am talking about, - it was leased when I got it.
- Q And just the lease continued to run? A Yes sir.
- Q What did you give for it? A Three hundred dollars with the improvements on it.
- Q These children were back in Georgia with you? A Yes sir, there were back since 1895.
- Q You were not here in 1898, two years ago? A No sir.
- Q These children were not here? A No sir.
- By Com'r Brackinridge:
- Q These children staid in Georgia from the time you went to there in 1895 until last January? A Yes sir.
- Q I see that this certificate admits the name of John D. Palmour Jr five years of age; is that this John D. Palmour Jr. whose name you have given here? A Yes sir.
- Q And Bessie, three years of age; is that this Bessie you have given here? A Yes sir.
- Q And Robert Palmour, 2 years of age at that time; is that the Robert whose name you have given me? A Yes sir.
- Q Now all of these children came with you then to the Cherokee Nation in 1893? A All of them, yes sir.
- Q And all of them went back with you to Georgia in 1895? A Yes sir.
- Q I carried them back with me.
- Q Did you come in 1895 for the purpose of making your home here permanently? A That's what I did, yes sir, I come here in '90 to make my home.
- Q Why didn't you stay here when you came back in 1893? A I went back, - I was making money prospecting in a gold mine, hiring you know, and getting up sales.
- Q You had some capital then from the Cherokee payments? A I didn't use that in it.
- Q What did you do with that? A I used it here principally, and I had nothing to come on at the start, and it cost me a heap; I had to borrow some money; no, I used the Strip money for on improvements.
- Q Did you vote in Georgia? A I voted in local.
- Q Did you ever vote for Congressman? A No, I am not positive that I did. I used to vote when I was there first; when I ever came here the second time, - used to vote there.
- Q Where were you in the Presidential election of 1896? A I was here in the Cherokee Nation.
- Q Did you ever vote for Governor of Georgia after 1895? A I believe I did; I am not sure that I did.
- Q Where were you at the Presidential election this fall?

A I was here.

Q Are you positive about not voting for Congressman while in Georgia? A No sir, I was not, I voted in local affairs and some Congress affairs; I was not positive that I did nor I didn't, but I believe I did.

Q You believe you did vote for Congressman since 1898? A Yes sir.

Q And you are sure you voted for Governor? A I am not as sure of that as I am of Congress; there were elections that I voted in and some that I didn't.

Q You voted for members of the legislature? A Yes sir.

Q You voted for Sheriff and county officers? A Yes sir, local politics.

Q Have you a certificate or license of your marriage to your last wife? A No sir.

They are here; Anthony Crafton has got them.

Q Did you ever apply to the Dawes Commission for admission to citizenship? A No sir.

Q Nor the Cherokee Council or Commission on Citizenship?

A Yes sir, to the Commission; I went before the Georgia Commission on Citizenship to be readmitted in 1870, December 1870.

Q I am talking about that since that admission you had in 1870?

A Yes sir, only here in council.

Q You have shown where you were admitted in 1870; that you have filed official evidence of; then you came here under that admission in 1893, and then went back to Georgia; well now, since you went back to Georgia in 1895 have you ever applied for re-admission to the Cherokee Council? A No sir.

Q You haven't applied to the Dawes Commission? A No sir, not up to this date. I sent some papers here, but if anything was done with them I never was notified.

Q What was the maiden name of your wife Amanda? A Matthews. Com'r: The applicant is shown to have possessed a marriage license issued by the Ordinary of Dawson County, Georgia, authorizing marriage between himself and wife, under date of Sept near 19 1891, and the certificate shows that they were united in marriage on the 9th day of October of the same year, by the Rev. R.B.O. England; this is an official copy of the license and certificate; it is drawn from the case of Amy Guess and family before the Commission in 1897, #315; it is filed herewith, and a memorandum is made upon the former document at its transfer.

Com'r Br. Skidridge: The applicant applies for the enrollment of himself and six children; he is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship, in 1870, and states that under that admission he and his family, including all of these six children, and his wife, now deceased, came to the Cherokee Nation in 1893; they remained here until 1895, and returned to the State of Georgia; he alleges that he retained property interests in the Cherokee Nation, and left most of his household effects and property here, going back to Georgia to prospect for gold, and taking with him his deceased wife and the six children now applied for; all of these children were born in the State of Georgia; the older three, John D., Bessie and Robert Palmour, are identified with their father on the certificate of admission referred to, and which is established by official copy of the records of the Cherokee Commission, filed herewith.

The applicant's wife died in August 1899; she is shown by the official evidence filed herewith to have been married to him in 1881; she was never previously married, and he states that his former wife was dead when he married his last wife, the latter being the mother of all these children. None of the persons now applied for have been in the Cherokee Nation, until January 1900, since 1895, except the father, who returned for about a month in

Benjamin F. Palmer et al 6

1896, for the purpose of being enrolled, which, as shown by the records, was refused to him, and he likewise failed to secure the enrollment of his wife then living and of the children herein enumerated.

The applicant and the six children are identified on the roll of 1894, the same having been made between the period of 1893 and 1895, during which they resided in the Cherokee Nation; the applicant and all six children have resided in the Cherokee Nation since January of the present year; it appears that during the period the applicant was staying in Georgia, from 1895 to January of the present year, he exercised the right of suffrage, voting for county officers, members of the legislature, and probably for Governor and Congressman. For the further consideration of the rights of the applicant and his six children, they will all now be listed for enrollment as Cherokees by blood on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this December 5th 1900.



Commissioner.

please forward to the Bureau of the National Archives and Records Administration, Washington, D.C. 20540, the following information:

1. Name of the person or organization that provided the information.
2. Date of the information.
3. Name of the person or organization that received the information.
4. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

5. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

6. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

7. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

8. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

9. Name of the person or organization that provided the information to the Bureau of the National Archives and Records Administration.

R.

C. D-288

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS on the matter of the application of Benjamin F. Palmer for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

J. R. Sequichie, Chelsea, I. T., agent for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: The applicant was notified by registered letter February 20th, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt has been acknowledged of the Commissioner's letter, and the applicant this date, to-wit: the 12th day of March, 1902, appears by his agent, J. R. Sequichie, Chelsea, I. T.

BY COMMISSIONER OF MR. SEQUICHIE: Is there any statement you desire to make? No sir.

Q. You submit the same for final consideration? **MR. SEQUICHIE:** Yes sir.

The Agent for the applicant and representative of the Cherokee Nation here present submit the case, and the same is considered completed, and will be reported to the Commission for final decision upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm. Hutchinson

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**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Benjamin F. Palmour for the enrollment of himself and his minor children John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour as citizens by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 5, 1900, Benjamin F. Palmour appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour as citizens by blood of the Cherokee Nation.

The evidence shows that Benjamin F. Palmour and his three elder children, John D., Bessie and Robert Palmour were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 22, 1887. Mary L., Sarah and Hugh A. Palmour have been born since the date of their father's admission to citizenship. They are all identified on the Strip payment roll of 1894.

It appears that all of the above named applicants removed from the Cherokee Nation in 1895, and went to the State of Georgia, in which State the said Benjamin F. Palmour exercised the right to vote. They did not return to the Cherokee Nation until 1900.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Benjamin F. Palmour, John D. Palmour, Bessie Palmour, Robert Palmour, Mary L. Palmour, Sarah Palmour, and Hugh A. Palmour as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner


Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Continuity of the
United States and
Commission to the
League of Nations

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

101 Office Building

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John F. Kennedy

40

to have a horse of his own.

...of two bones ...

MA
T. KED
ON

THE JOURNAL OF THE
SOCIETY OF AMERICAN
ARCHITECTS

103

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1901 - 1902

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COMMERCE
WASHINGTON, D. C.

AD.
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 24th, 1903.

-----M
In the matter of the application of Benjamin F.
Palmour for the enrollment of himself and his
children, John D., Bessie, Robert, Mary L.,
Sarah and Hugh A. Palmour, as citizens by
blood of the Cherokee Nation.
-----M

Cherokee R-704.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

Benjamin F. Palmour, being duly sworn, testified as follows:

Examination by the Commission.

- Q. State your name? A. Benjamin F. Palmour.
Q. How old are you? A. I will be 54 the 11th of next
November.
Q. What is your post office? A. Chelsea, Indian Territory.
Q. Are you a Cherokee by blood? A. I have always claimed
to be; yes, sir. That is what my father told me.
Q. Where were you born? A. I was born in North Georgia.
Q. You grew up there, didn't you? A. Yes, sir.
Q. When were you admitted to citizenship in the Cherokee
Nation? A. In '87, as well as I remember.
Q. On the 22nd day of December, 1887, was it not?
A. I can't remember the date precise.
Q. Were you married at that time? A. Yes, sir; I was
married the second time at that time.
Q. Your children were admitted with you? A. Yes, sir.
Q. When did you come to the Cherokee Nation from Georgia?
A. Well, I have been here three times.
Q. After your admission? A. After my admission I come in
'93.
Q. Were you here before that? A. I was here in '70.
Q. You were a citizen at that time? A. Yes, sir.
Q. Then you went back to Georgia and had to be readmitted in
'87? A. Yes, sir.
Q. They told you you were admitted in '87? A. Yes, sir.
Q. At that time you lived in the state of Georgia?
A. Yes, sir.
Q. You say you then came to the Cherokee Nation in 1893?
A. Yes, sir.
Q. Did you bring your family with you at that time?
A. Yes, sir.
Q. Did you bring all your effects to the Cherokee Nation at
that time? A. All but some debts. I had one mule I couldn't
sell.
Q. Just one mule that you left behind? A. Well, there was
debts.
Q. Did you leave any property. A. Nothing but what was
perishable. A mule, something like that.

Q. Was there anything else? A. Nothing more than a growing crop.

Q. Did you have a farm there? A. No, sir.

Q. Were you just renting? A. Yes, sir.

Q. What became of the crop? A. I sold it. Then I went back to dig gold a while.

Q. Went when? A. I went in '95.

Q. I am talking about when you left Georgia in 1893. You brought everything you could? A. I brought all my bedding and everything, except some household goods ~~xxx~~ that wasn't packable. I had nothing else left.

Q. What part of the Cherokee Nation did you come to? A. Chelsea.

Q. Did you know anybody in Chelsea? A. I had relatives there.

Q. Who were they? A. Well, I had some cousins; Charley Davis. Then I had a brother. Two brothers that lived there close.

Q. What did you do when you first arrived in the Cherokee Nation? A. I went to work.

Q. Did you take a claim? A. I wasn't able to at that time. I hired.

Q. You hired out? A. Yes, sir.

Q. Were you housekeeping with your wife? A. Yes, sir; I hired a house.

Q. That was what time in 1893? A. That was about the first of June.

Q. How long did you continue to live in Chelsea then? A. I didn't live at Chelsea then. I moved out in the country.

Q. Who did you hire out to? A. I hired out to a man by the name of Zulkey. I worked until the crops was done.

Q. Then where did you go? A. I went to digging ~~gold~~ coal.

Q. On whose place? A. On my brother's place, Thomas Palmour. I was putting it out on the bank. He gave me 5¢ a bushel for putting it out on the bank.

Q. You were hired to him? A. Yes, sir.

Q. How long did you continue doing that? A. Until I put in a crop in 1894.

Q. Where? A. I rented a place from my brother Charles. He had more than he could break.

Q. You rented a place from your brother? A. Yes, sir.

Q. And started to farm? A. Yes, sir.

Q. You had a crop that year? A. Yes, sir.

Q. What did you do next? A. That was in '95, that is when I went back to speculate and dig some gold, and settle my affairs.

Q. Did you take your family? A. Yes, sir.

Q. Did you take your stuff with you? A. Yes, sir; enough to do with the family.

Q. What did you do with the rest? A. I left it here with the place; chairs and so forth.

Q. You say you went down to Georgia to settle up some affairs? A. To wind up my affairs. That is property affairs and prospect.

Q. I thought you said you sold your crop? A. I sold it when I went back in 1895.

Q. When you left in 1893 did you leave some one to take that crop then? A. Yes, sir.

Q. You didn't sell it? A. No, sir; it was growing.

Q. What kind of a crop was it? A. It was a corn crop. Stood in the crib until 1895. The wheat was there also, part of it; what they didn't seel. They wouldn't seel because they couldn't get enough for it. I sold part of the corn, what I didn't feed my

I got another horse while I was prospecting for gold.

Q. Where were you living in Georgia when you went back.

A. Stayed there on my father's place.

Q. On your old place? A. I never had any place.

Q. The place you rented? A. Yes, sir, the same place I rented. Well, there was two places I had rented. But the former one, when I went back my son-in-law was living on it and the I lived in the other house until he moved out in the spring.

Q. You are speaking now about 1895? A. Yes, sir.

Q. How long did you continue to live in Georgia after you went back in 1895? A. I stayed there until 1900.

Q. Stayed there about 5 years? A. Yes, sir.

Q. What were you doing all this time. A. I was prospecting for gold. I was prospecting for the chance for a sale. Other parties had mines but there was an English syndicate had an option on it and I was pointing it out for them.

Q. Were you engaged by the year or by the month?

A. I was just engaged when they called on me. When they would bring companies in I would have to show it.

Q. The contract specified no time? A. The first contract did.

Q. How much? A. 12 months.

Q. Was that contract made after you went to Georgia?

A. Yes, sir; it was made after I went there.

Q. You didn't go prospecting for gold on your own account?

A. I went to prospect to get a bonus on the trade.

They paid me so much and the party that owned the mine would give me so much on the sale.

Q. You stated in your previous testimony that you voted down there in Georgia? A. Yes, sir.

Q. At what elections? Presidential? A. No, sir; I never voted at any presidential elections. General election, state election.

Q. Did you vote in the state election in 1896, the year after you went back? A. No, sir. I never voted that year.

Q. Do you remember when McKinley and Bryan were running.

Did you vote in that election? A. No, sir; never voted in that election. I voted in the state--that is representatives, etc.

Q. How often did you vote down there? A. I voted one time.

Q. Just once? A. Yes, sir.

Q. What year was that? A. It was in 1898, I think.

Q. For congress or state representatives? A. State representatives; general election. You see I just voted one time.

Q. How did you come to do that A. Why, I just voted. Of course I kept no item of it.

Q. Did you ever go to farming again while you were down there?

A. Only with the boys; the boys that was too small to help me in the mines.

Q. What was the cause of your coming back to the Cherokee Nation in 1900? A. I come back to make my home on this property.

Q. Where was your home? A. Down below Chelsea about four miles.

Q. Did you have any farm, any claim there? A. Yes, sir.

Q. Where? A. Since the survey was made it is in Section 13.

Q. Did you make your claim before you went away? A. Yes, sir.

Q. I thought you told me you rented a farm from your brother?

A. That was before I got this one.

Q. This one that you speak of, when did you get it? A. It was in the fall of 1894. The same year I made the crop over there at my brother's. I can send you the bill of sale.

Q. Who did you buy this place from? A. I bought it from

widow Wellums.

Q. Was she a citizen? A. She was at that time.

Q. What did you do with reference to taking possession of it?

A. I built a fence.

Q. Did you enclose all of it with fences? A. No, sir; I built to what she had built on the north.

Q. Was it all enclosed then? A. There was about a hundred acres enclosed.

Q. That was all the improvements you made on it?

A. All the improvements I made on it at that time.

Q. Did anybody occupy that place while you were gone?

A. Yes, sir; Mrs. Wellums had leased it to a man and I couldn't get him off.

Q. Did he occupy it all the time you were gone? A. No, sir; he occupied it until '97 or 8.

Q. Did you collect the rents? A. I couldn't collect the rents from the contract I had. I got rent from the land I fenced in.

Q. Was your right to that place ever disputed by anybody?

A. No, sir; never has been disputed.

Q. It has been considered yours ever since you bought it in 1894? A. Yes, sir. A man here has had charge of it all the time, in my stead. Also, I had another place. I had forgotten that place. I had a half interest with my brother.

Q. When you returned to the Cherokee Nation did you go back to that place in the Cherokee Nation? A. Yes, sir.

Q. Have you owned it ever since? A. Yes, sir.

Q. When you left Georgia in 1893 what was your purpose and intention in coming to the Cherokee Nation? A. I was coming here to make me a home.

Q. Did you make a home here? A. Yes, sir; I made the place I am living on.

Q. What was your purpose in going back to Georgia? A. To prospect gold and wind up these little affairs.

Q. Did you go back to Georgia with the intention of making your home there? A. No, sir; I never went back there for that purpose at that time.

Q. Where did you consider your legal residence all the time you were in Georgia? A. Down here below Chelsea.

Q. In the Cherokee Nation? A. Yes, sir. I had more right here than I did there.

Q. What effects did you leave in the Cherokee Nation when you went back to Georgia in 1895? A. I left some horses; two good horses, wagon, some chickens, some chairs and some bedding, table, etc. Just as a fellow would have out on a farm.

Q. What was your purpose in leaving those things behind you?

A. To come back here.

Q. You didn't need them on your journey or while you were in Georgia? A. No, sir.

Q. It was your intention to come back? A. Yes, sir.

Q. Did you make any contract or any arrangement with this man on your place as to paying you rent? A. Yes, sir. I made a contract, that man said he would pay me rents on the ground I fenced in.

Q. Cash rent or how? A. It was in hay, corn or wheat, etc.

Q. He paid you ever year? A. Every year he paid me in building. You see I would hire him to build. I never had any money shipped out of here.

Q. Do you say now that your home, your legal residence, has been in the Cherokee Nation ever since June, 1893?

A. Yes, sir; that is what I considered.

Q. That you haven't, at any time, ~~stated~~ abandoned your residence in the Cherokee Nation? A. No, sir; not intentionally, I haven't. I have considered it my home. That is all the place I had.

Q. You never came back to the Cherokee Nation between 1895 and 1900? A. Yes, sir; I was here in 1896.

Q. What were you here for? A. I was here to enroll. They were taking the roll in 1896.

Q. To enroll and attend to what other business? A. To see after my farm. I sold my corn. I went over to Adda Campbell's and sold it for 15¢ a bushell. That is all it was worth that year.

Q. Did you consider you were a citizen of the state of Georgia at the time you were living there between 1895 and 1900? A. No, I didn't consider I was a citizen of the state.

Q. Did you consider you had a right to vote? A. No, I didn't claim I had any right. I had no more right to vote than any other man that didn't live there.

Q. How did you come to ~~dem~~ it? A. Well, they didn't challenge it.

Q. How did you come to offer to vote? A. Well, I was over to the precinct.

Q. Was it a hotly contested election? A. No, sir.

Q. Nobody pressed you to vote? A. There was two parties-- that is pressure between two candidates for county officers.

Q. Did you vote at this last treaty election in the Cherokee Nation? A. Yes, sir.

Q. Was ~~your~~ vote challenged? A. No, sir; never a word said. That was on the 7th day of August, as well as I remember.

Examination by Mr. Starr.

Q. Had you heard of there going to be a strip payment when you came in '93? A. Yes, sir.

Q. You heard of the sale of the Cherokee land in Oklahoma at that time? A. Yes, sir.

Q. Isn't it a fact that you came back to get that strip money? A. Well, not any more than to make my home here.

Q. Wasn't that your object in coming in 1893? A. Probably my object in coming in 1893 was that that would enable me to make my home here.

Q. Why didn't you come earlier than 1893? A. I was hardly able. I borrowed money when I come. The parties waited on me until I drew money to pay it back.

Q. But you left soon after the strip payment? A. I went back there to prospect that mine.

Q. Did it take you from 1895 to 1900 to wind up your affairs? A. With the hopes of making a sale in the mines; that is making the bonus, or getting a percent on the sales. I got complicated in law in the winter of 1899.

Q. You lived there in Georgia the same as any other citizen, from 1895 to 1900? A. About as I always had.

Q. Lived there as you always had? A. Yes, sir.

Q. Just as any other citizen? A. Well, I claimed that I wasn't a citizen. When I went back, on the first election I wouldn't vote at all. I didn't vote but the one time.

Q. What did you say about a lease being on this place? A. Mrs. Wellums, through one Ed Bird, down here at Chelsea, had leased the place.

Q. Who did she have it leased to? A. Had it leased to ~~in~~ a man by the name of Prince.

Q. At the time you bought it? A. Yes, sir.

Q. How long did he stay on the place? A. He stayed four years, I believe, before the lease was out. He wouldn't move off.

Q. The man that had the lease wouldn't get off? A. No, sir.

Q. You didn't have possession of it? A. I got possession of this part I am telling you about.

Q. What part of it is that? A. That is the north part.

Q. That stuff you say you left here, who did you leave it with? A. I left part with my brother and part with my daughter.

Q. Where did your brother live? A. He lives down here near Chelsea.

Q. Why did you leave that. To come back here. I can prove by them, the contracts ~~that~~ that was made with them. They was to hold it until I returned. I went off to be gone but two years.

Q. How many chairs did you leave with them? A. There was five, I believe.

Q. Who did you leave the chairs with? A. With my daughter.

Q. What is her name? A. Evaline.

Q. Where does she live? A. She lives down right close to where I live. She lived at Chelsea at that time, had a place in Chelsea.

Q. Who did you leave the other stuff with? A. David S. Palmour, my brother.

Q. Where does he live? A. He lives near Chelsea, about three and a quarter miles.

Q. What was the value of the stuff that you left here?

A. I think, as well as I remember, I gave 65 or 70¢ a piece for the chairs. And the horses and wagon, I gave \$340 for, and I had to pay Mrs. Nellums \$300 to get the place.

Q. Who did you leave the horses and wagon with?

A. I left them with my son in law.

Q. You didn't sell them to him? A. No, sir. They was large horses. I notified him to trade them off for stock. They were getting old. He swapped them for a cow and some hogs and another horse.

Q. What did you do with the wagon? A. I told him to keep it for taking care of these horses.

Q. You gave him the wagon for taking care of the horses?

A. Yes, sir; for the trouble he was at.

Q. How did you move when you went back to Georgia?

A. I went on the railroad.

Q. Where did you go to in 1900 when you returned?

A. Chelsea.

Q. Who had charge of the farm at that time? A. My son-in-law.

Q. When did this man having the lease on that farm leave it?

A. He left it in '99, I believe.

Q. From the time you bought it until '99 you had no control of this land that was leased. A. No, sir; that is not any more than I made him keep up the fence.

Q. Well, the man that had it leased wouldn't give it up. That is what you told me. What property did you take with you in 1895?

A. Well, my bedding.

Q. What else. Nothing else. Just some bedding. Just enough to run the family. The rest I left with my daughter.

Q. Took everything you needed to go to housekeeping?

A. Yes, sir.

Q. You took furniture enough to keep house? A. A few; yes, sir.

Q. You took beds and bedding back with you when you went in 1895?

A. I took four beds.

Q. That was all the beds you needed? A. Yes, sir.

Q. You actually set up to house keeping when you got back there?

A. Well; yes, sir, set up temporarily.

Q. You kept house from 1895 to 1900? A. Part of the time.

Some of the time I didn't. My wife died there; that threw me out. I put the children around with the folks.

Examination by the Commission.

Q. You say when you left the Cherokee Nation in 1895 your intention was to be gone two years? A. Yes, sir; that was my intention.

Q. Did you intend to come back to the Cherokee Nation in two years? A. Yes, sir.

Q. Did your wife die in that two years? A. No, sir; she didn't die in that two years.

Q. What prevented you from returning? A. Well, the prospect of making a sale of that gold mine. Nothing prevented me.

Q. When did your wife die? A. She died in '99. She was sick quite a bit. She was sick twice so I couldn't move. That wasn't before that two years.

Q. Is that the reason you came back here, because your wife died? A. Oh, no, sir.

Q. You intended to come back any how? A. Yes, sir.

Examination by Mr. Starr.

Q. You say you went back to Georgia in 1895 with the intention of prospecting for gold? A. Yes, sir; that was the most important part. Yes, sir; I had commenced it 20 years before that.

Q. What did you intend to do with reference to staying there if you found the gold? A. The prospect of the sale encouraged it.

Q. It was your intention, if you found gold, to continue to stay there? A. No, sir; my intention wasn't to stay there as long as I did stay there. I didn't go to stay as long as I did.

Q. Well, you did stay, when you went there? A. I stayed longer than I wanted to.

Charles F. Palmour, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Charles F. Palmour.

Q. How old are you? A. 43 years old.

Q. Where do you live? A. I live at Chelsea.

Q. Are you related to Benjamin F. Palmour? A. Yes, sir.

Q. What relation are you? A. Brother.

Q. How long have you lived in the Cherokee Nation?

A. Since '87, November '87.

Q. Where have you been living during that time? A. Near Chelsea.

Q. When did your brother Benjamin first come to the Nation?

A. He first came to the Nation in '71, I believe. '70 or '71.

Q. After his admission in 1887? A. Ninty something. I don't remember.

Q. Was it before or after the dtrip payment? A. It was before.

Q. Where did he come to? A. He come to Chelsea.

Q. To your place? A. Yes, sir.

Q. Did he have his family with him? A. Yes, sir.
 Q. Wife and children? A. Yes, sir.
 Q. Did he have household goods and effects? A. Yes, sir.
 Q. What did he do during the two years he lived around Chelsea? A. He farmed.
 Q. Did he buy a farm in the Cherokee Nation? A. Yes, sir.
 Q. Where? A. Bought one on the Verdigris river and one about 5 or 6 miles south of Chelsea.
 Q. Who did he buy these places from? A. Bought the place of the Verdigris river from Bill Ward.
 Q. How big a place is that. Why, I couldn't tell you, but something over a hundred acres. Him and my other ~~brother~~ brother bought it together.
 Q. Where was the other place? A. Six miles south of Chelsea.
 Q. Who did he buy it from? A. Bought that from widow Wellums.
 Q. What did he do by way of improveing that place? A. Well, put up wire and posts and had some breaking done.
 Q. Breaking the land? A. Yes, sir.
 Q. Did he go on the place himself and farm it? A. No, not on that place. Not at that time.
 Q. Do you remember when he left the Cherokee Nation and went back to Georgia? A. It was in 1895, I believe. I wouldn't be certain.
 Q. Did you see him at the time he left? A. Yes, sir.
 Q. What did he take with him? A. Why, he took his family and some beds, household goods.
 Q. Did he leave any household goods in the Nation?
 A. I think he did.
 Q. Do you know that he did? Did he leave any with you?
 A. No, he never left any with me.
 Q. Did he leave any with anyone else that you know of?
 A. I think he left some with his son-in-law.
 Q. Do you know that? A. I don't know it.
 Q. Did you have any conversation with your brother about his going back to Georgia? A. Yes, sir.
 Q. State what that was? A. Why, his intention was to go back and prospect in the gold mine and he intended to come back.
 Q. What did he say about it? A. Why, he said he was coming back. He didn't say when.
 Q. He didn't say when he was coming back? A. No. He told me to attend to his farm on the Verdigris river.
 Q. That is the farm he had an interest in with his brother?
 A. Yes, sir.
 Q. What is that brother's name? A. David S.
 Q. Did you look after his interest there? A. Yes, sir.
 Q. What did you do. A. I rented the place and applied the rents on the place, all except \$4.
 Q. In the way of improving it? A. In the way of improving it; dug and well and built fences.
 Q. When your brother first came to the Nation in 1893, do you know if he came here for the purpose of making his home here?
 A. Well, from what he done I think he did.
 Q. And from what he said? A. From what he done and said.
 Q. Did you ever talk with him? A. Yes, sir. His intention was to make this his future home.
 Q. Did he tell you that? A. Yes, sir.

Examination by Mr. Starr.

Q. Did he ever tell you about his intention to come down and ~~at some~~ of that strip money.

A. Yes, he told me he wanted some of that.
 Q. Was he down here to get the strip money? A. Yes, sir.
 Q. He left right after he got it? A. He left in '98,
 December, I think.
 Q. What did he tell you about coming back, when he left?
 A. Well, he told me he was coming back to live here, if he
 didn't die before he got back.
 Q. What did he take with him? A. He took his family.
 Q. Any household goods? A. Yes, he had some household
 goods.
 Q. He had enough to keep house? A. Yes, I suppose so.
 Q. How did he go, on the railroad? A. Yes, sir.
 Q. He took everything he could take with him in that way,
 didn't he? A. No, I reckon not. I could have taken more, I think.
 Q. Did he take all that he needed to take at that time?
 A. Yes, sir.
 Q. To keep house on back there? A. Yes, sir.
 Q. Bedding? A. Yes, sir.

John DeLozier, being duly sworn, testified as follows:

Examination by the Commission.

Q. State your name? A. John DeLozier.
 Q. How old are you? A. I am 38 past.
 Q. What is your post office? A. Chelsea.
 Q. Are you a citizen of the Cherokee Nation? A. By
 marriage.
 Q. Do you know Benjamin F. Palmour? A. Yes, sir.
 Q. Are you related to him? A. By marriage.
 Q. His son in law? A. Yes, sir.
 Q. When were you married? A. '94, July 15th.
 Q. That was the year before Mr. Palmour left the Cherokee
 Nation for Georgia? A. Yes, sir.
 Q. Now, you are a farmer? A. Yes, sir.
 Q. Do you remember the occasion of Mr. Palmour going back to
 Georgia? A. Yes, sir.
 Q. What property did he take with him when he went back?
 A. Just some household goods, that I know.
 Q. Did he leave any household goods in the Nation?
 A. Yes, sir; left some chairs, chickens, wagon, team and
 harness.
 Q. Who did he leave those with? A. With me.
 Q. What did he tell you with reference to the stuff he was
 leaving? A. Why, he left it in my care until he come back.
 Q. Did he say anything to you about coming back? A. Yes,
 sir. He left them with me until he returned.
 Q. What did he say about coming back? A. I don't know
 just what.
 Q. Did you ask him if he was coming back? A. Yes, sir;
 that was the agreement.
 Q. It was understood by all that he was coming back?
 A. Yes, sir.
 Q. He told you what to do, did he? A. Take care of them
 until he returned.
 Q. Did Mr. Palmour have a place in the Cherokee Nation?
 A. Yes, sir.
 Q. Was that place rented? A. It was leased.

Q. It was leased when he bought it? A. Yes, sir.

Q. He never moved onto that place? A. No, sir; not before he went away.

Q. Where had he been making his home? A. He lived up above town about a mile and half on Mr. McSpadden's place.

Q. He was renting from Mr. McSpadden? A. I don't know whether he was renting. He lived in the house.

Q. Did you keep that stuff until he came? A. Yes, sir.

Q. All of it? A. Well, I traded the team off for a cow and some stock.

Q. Did Mr. Palmour authorize you to do that? A. Yes, sir; if I could make a trade.

Q. When did Mr. Palmour come back? A. I declare I couldn't say. I don't remember.

Q. About how long ago? A. I declare I don't know whether 2 or 3 years. I don't remember just when.

Q. Where did he come when he come back? A. He rented a house in town until I could get out of his house.

Q. You were living in his house? A. Yes, sir; I was living on his place.

Q. Did you move there as soon as he bought it? A. After the lease run out.

Q. When did you move onto it? A. I couldn't say.

Q. How long had Mr. Palmour been gone when you moved there.

A. I don't know just when the lease run out.

Q. It was sometime while he was gone to Georgia?

A. Yes, sir.

Q. You moved on the place until he come back? A. Yes, sir.

Q. Had Mr. Palmour ever visited the Cherokee Nation during the period from 1895 to 1900? A. Yes, sir; he was here in 1896.

Q. What was he doing? A. He come to enroll.

Q. Anything else? A. Not that I know of.

Q. How long did he stay? A. I couldn't say that.

Q. He stayed at your place, did he? A. Yes, sir.

Q. Were you living on his farm then? A. Yes, sir.

Q. Did he make any inquiry of you how things were going on on the farm? A. Not that I know of. It has been so long I do n't remember it if he did.

Q. Were you paying rent for the farm? A. Yes, sir, one third.

Examination by Mr. Starr.

Q. How long did you live on that place before Mr. Palmour come back in 1900? A. That is what I don't remember; 2 or 3 years.

Q. How much rent did you pay him? A. I paid him the rent, one third.

Q. Did you send him the money? A. No, sir; I paid him when he come back.

Q. How much. A. I don't remember how much it was now.

Q. You say he left some chickens and chairs with you?

A. Yes, sir.

Q. Did you keep the chickens while hwas gone? How many?

A. Six hens and a rooster.

Q. Did you keep they? A. Yes, sir. I don't know whehter they are the same ones.

Q. He gave you six hens and a rooster? A. I don't know whether I gave him back the same rooster or the same hens but I turned over the same number of chickens.

Q. How many chairs did he leave with you? A. He left three chairs.

Q. What did you do with the three chairs. A. They are there now.

Q. Have you got them? A. He has got them.
 Q. What kind? A. Game bottom chairs, home made.
 Q. What did you do with the team? A. I traded it off.
 Q. Under his authority? A. Yes, sir.
 Q. What did you do with the wagon? A. Traded it off.
 Q. Isn't it a fact he gave you the wagon for taking care of the team? A. Yes, sir; I used the wagon.
 Q. You didn't turn back the same horses? A. No, sir.
 Q. You didn't turn back the same chickens? A. No, sir.
 Q. You turned over three chairs? A. Yes, sir.
 Q. Is that all you turned back? A. And the place.
 Q. How long did Mr. Palmour stay in 1896, when he come?
 A. I don't know. It was a month or two.
 Q. He come down for the purpose of getting on the 1896 roll?
 A. I don't know whether he did or not. He was here.
 Q. What time in 1900 did he come back? A. That is what I say I don't remember.
 Q. About the time the Commission commenced making this roll?
 A. I don't know.
 Q. It was generally understood that the Commission was going to make a roll? A. I don't know anything about that.
 Q. What did Mr. Palmour take with him when he went away?
 A. Just took some things with him. He left a feather bed with me to.
 Q. What did you do with it? A. I kept it.
 Q. Where is it? A. He has got it.
 Q. A feather bed, three chairs, then, you turned over to him?
 A. Yes, sir.
 Q. From 1893 to 1898 did Mr. Palmour have a house of his own that he lived in? A. Not that I know of. He lived in Mr. McSpadden's house.
 Q. He didn't have a house of his own? A. Only think house he is living in.
 Q. He didn't get control of that until you moved in?
 A. No, sir.
 Q. Did he live as a tenant around in the cuntry, working for other people? A. I don't know whether he farmed any ornot.
 Q. He lived around with other people? A. Yes, sir.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of May, 1903.

Jesse O. Carr.
Samuel Foreman.
 Notary Public.

jae

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin F. Palmour for the enrollment of himself and minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation:

DECISION

The record in this case shows that on December 5, 1900, Benjamin F. Palmour appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 12, 1902. On July 29, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Department of the Interior for approval and the Department approved said decision on September 25, 1902. Under date of April 3, 1903, the Department returned the record in said case to the Commission for readjudication, and further proceedings in the matter of said application were had at Vinita, Indian Territory, on April 24, 1903.

The evidence shows that all of the applicants herein are Cherokees by blood; that the said Benjamin F. Palmour, together with his children, John D., Bessie and Robert Palmour, was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, on September 22, 1887; that Mary L., Sarah and Hugh A. Palmour have been born since the date of their father's admission to citizenship; and that all of said applicants are identified on the 1894 Strip payment roll of the Cherokee Nation.

The evidence further shows that all of said applicants removed to and settled in the Cherokee Nation in 1893 and resided therein until about 1895, when they went to the state of Georgia, residing therein until 1900, at which time they again removed to the Cherokee Nation and have since continuously resided therein.

The evidence further shows that while said applicants were residing in the state of Georgia, from 1895 to 1900, they owned personal property in the Cherokee Nation.

Cherokee D 937

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargain et al., Cherokee D 937 (I.T.D. 2400-1903), that the said Benjamin F. Palmour, John D. Palmour, Bessie Palmour, Robert Palmour, Mary L. Palmour, Sarah Palmour and Hugh A. Palmour should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

O. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this SEP 18 1903

In re Application of
Benjamin F. Palmour.

Supplemental Brief.

In the Department of the Interior.

-----oOo-----

In re)
Application of Benjamin F. Balmour :
and children for enrollment as citi-)
zens of the Cherokee Nation. :

-----oOo-----

MOTION FOR REVIEW AND REHEARING.

Now comes the applicants by their attorneys and moves that the decision of the Secretary of the Interior heretofore rendered in this cause may be set aside and the cause reopened and reviewed for the reasons set forth in the brief hereto attached.

Harry G. Kimball
Anthony White
Attorneys for applicants.

IN THE DEPARTMENT OF THE INTERIOR.

-----000-----

In re)
Application of Benjamin F. Calmour :
and children for enrollment as citi-)
zens of the Cherokee Nation. :

-----000-----

SUPPLEMENTAL BRIEF ON BEHALF OF APPLICANTS.

The facts in this case have been stated by us in our brief heretofore filed in this cause, but we call particular attention to the fact that when Calmour removed from the Cherokee Nation in 1895 and went to Georgia he went there for the purpose of prospecting for gold but continued to hold his farm in the Nation, leaving also in the Nation his household goods, teams, wagons and farming implements and "everything" in the Cherokee Nation. The evidence clearly shows that he was continued to hold this farm until the present time and that he never removed any of the other property mentioned from the Nation. Under the rulings in the Yeorgains cases this does not amount to a forfeiture of their rights as citizens of the Cherokee Nation and it is so obvious that these applicants must be enrolled under that decision that we submit the case with this showing.

Respectfully submitted,

Harry Kimball

Harry White

Attorneys for applicants.

In re

Application of Benjamin F.

Palmour and children for

enrollment as Cherokee citizens.

No. 4997.

BRIEF ON BEHALF OF APPLICANTS.

Statement of Facts.

The facts necessary for a proper consideration of this case, as shown by the record, are as follows:

The Lawes Commission found the applicant and his children to be Cherokees by blood; that Benjamin F. Palmour, together with his oldest three children, John D., Bessie and Robert Palmour, were found by Commissioner Breckinridge to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1887; and that they, together with Mary Lou, Sarah and Hugh A. Palmour, the three youngest children, and Amanda M., the wife of Benjamin F. Palmour, and the mother of all of the children, removed from Georgia to the Cherokee Nation in 1893; and that they remained until 1895; and that Benjamin F. Palmour and Amanda M. Palmour were properly married in 1881; that in 1895 all of these persons went to Georgia and were not again in the Nation until January, 1900, except the father, who was in the Nation for about a month in 1896 for the purpose of being enrolled; that the applicant and the six children are identified on the roll of 1894 and 1895, during which time they resided in the Cherokee Nation; that Benjamin F. Palmour while in Georgia from 1895 to January, 1900, voted in the local and state elections.

The evidence in this case discloses further that having removed to the Cherokee Nation in 1892, Benjamin F. Palmour purchased a farm of 149 acres, which farm he has continued to hold; that from 1892 until 1895 he, with his wife and six

children, made their home on this farm; that in 1895 he went, with his family, to the State of Georgia for the purpose of prospecting for gold, but continued to hold his farm in the Nation, leaving also in the Nation his household goods, teams, wagons and farming implements and "everything" in the Cherokee Nation.

The Dawes Commission finds that the applicants were on the Roll of 1894 and 1895, but were rejected in 1896. We are unable to find any evidence in support of the finding of the rejection of the applicants in 1896; on the contrary, the only evidence shows that all the applicants were enrolled in 1896.

The testimony further shows that the applicants received their share of "Strip money" and that Benjamin F. Palmour expended all of this in improving his farm; that in improving his farm he set posts, built fences and broke the land.

The application for enrollment in this case has been rejected by the Dawes Commission under paragraph 9 of Section 21, of the Act of June 28, 1898, which is as follows:-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he ~~now~~ claims citizenship."

ARGUMENT.

With respect to the application of Benjamin F. Palmour and his three older children, John L., Bessie and Robert Palmour, we submit that all of the requirements of the law have been complied with literally by them as shown by the testimony.

Having been admitted to citizenship in 1887 they did, in 1892, "remove to and in good faith settle in the (Cherokee) Nation in which they claimed citizenship".

The evidence on this point is that these claimants came to the nation in 1892, that the father purchased a farm, improved it and lived upon it for two years. Better evidence of good faith in settling in a country could scarcely be had

than this. It is what all settlers in a new country do. It is what a new country requires to be done for its development. The lands are raw and need to be plowed; Palmour plowed his lands. They need to be fenced; Palmour fenced his lands. Some provision for the needs of the family must be made and such were made because Palmour lived on the land with his family. That this home may have been humble and the improvements insignificant as compared with improvements on a farm in one of the older States is not a fair test, because such a test applied to the development of our country west of the Mississippi River would result in ^{the} a remarkable finding that there were no settlers. Rather should the humbleness of his efforts speak for him than against him. When a man has expended, as Palmour says he expended, all that he has in building a home for himself and family, that fact speaks louder in evidence of his good faith than if he had done a hundred times as much and ~~he~~ yet had used but a part of his means in so doing.

The object of Congress in using the words "good faith" in this Act is obvious. It was to prevent speculation in the matter of citizenship. It was to prevent persons securing adoption into the Nation as a means of profit and it was intended to protect persons of the class to which Palmour and his family belong, that is, those builders of homes in the wilderness. To such persons we are indebted for the greatness of the west and in recognition of their invaluable services to this country Congress in these few words proposes to protect from outside speculators ^{those} who have "in good faith" endured the hardships incident to building homes in the wilderness and who have "in good faith settled" in the Indian Territory.

as to these four applicants there is no question of

law involved. It was the duty of the Laves Commission to follow the plain provision of the statute and it now becomes the duty of the Interior Department so to do. They are properly on the Roll of 1894 and have "in good faith settled"; therefore, they have complied literally with all the requirements of every law.

The further evidence, if any were needed, tending to show his good faith in settling in the Nation is that he removed everything he had into the Nation in 1892; that he actually made his home there for three years and that when he left, all the appurtenances of a farmer's home (his household furniture, horses, wagons and farming implements) were left in the Nation, evidently with the intention of returning to the Nation. If he had left all of his personal property in Georgia when he came to the Territory in 1892 it would have evidenced an intention of remaining in the Territory but for a time and of returning to Georgia. ~~But~~ his having left his personal property in the Nation in 1892 when he went to Georgia may certainly be considered as evidence of his intent to be absent from the Nation temporarily and of an intention to return and ^{continue to} make his home in the Nation. The only contrary evidence is that he voted in Georgia in one or more elections. If he did so he merely became ^{liable} to indictment under the Georgia laws because he was not entitled to vote. *Elk vs Wilkins*, 112 U. S. 94.

As to the rights of the youngest three children, Mary Lou, Sarah and Hugh M. Falmour, Section 9 would seem to need construction. That paragraph 9 needs construction is apparent when applied to the case of any person, adult or infant, who has never resided outside of the Indian Territory. A literal construction of the language used by Congress would deprive all such persons of the right of enrollment for the

reason that they have not "removed to" the Territory.

We deem it so obvious that the word "person", as used in paragraph 9 of Section 21, does not refer to minor children, that authorities upon the subject are perhaps unnecessary; however, a few cases upon the general subject of the interpretation of statutes are here given.

In construing a statute we should look at the whole context, and give full effect to all provisions. The objects intended to be subserved by the legislation should be considered and while the ordinary and popular meaning of words should be given where such an interpretation is possible, *Moran vs. Prather*, 23 Wall. 492; *R. R. Co. vs. Shutte*, 103 U. S. 118, 140, yet the operation of the statute should be restrained within narrower limits where its literal meaning would extend to cases which the legislation never intended to include in it. *Market Co. vs. Hoffman*, 101 U. S. 116.

Such a construction is to be ~~made~~ given as will render the act reasonable rather than unreasonable and just rather than unjust, *Merriam vs. United States*, 107 U. S. 437; *Noonan vs. Bradley*, 9 Wall. 394.

Congress stands in the position of a trustee of the lands and funds of these Indians. The laws are, therefore, to be liberally construed in favor of the claimants and against Congress where such a construction is possible. Any other construction of Section 21 than the one urged above would result in depriving these parties of their rights of citizenship and their pro rata share in the distribution of the lands and funds of the Cherokee Nation.

A construction making it the intention of Congress to deprive these children of their share in the lands and moneys so held in trust for them is ~~is~~ within the reasons under which the Supreme Court of the United States has said that conjecture and uncertainty can never disinherit an heir even if the

Court is absolutely certain that the testator intended so to do. *Allen vs. Allen*, 17 How. 391.

Applying these rules to this case we find that the Daves Commission is authorized in ~~xx~~ making rolls of citizenship of the tribes to take the roll of 1880 "and all descendants born since the date of ~~xxx~~ said roll of persons whose names are found thereon". The word "persons" applies here to those whose names appeared upon the roll. "Descendants" evidently refers to children who are enrolled by virtue of their ancestors right. The Commission is to "investigate the right of all other persons whose names are found on any other rolls", and to enroll such "of their descendants born since such rolls were made." This last provision is the one under which we are now proceeding and these ^{youngest three} children come under the designation of "descendants".

The same distinction will be noticed by a perusal of paragraphs three, five, six and eleven of section 21 -- both before and after ~~xxx~~ paragraph nine, under which they have been rejected.

The practice of the Daves Commission and the Department in these cases has been consistent with this construction in enrolling claimants. The proof required in these cases is from the ancestor. When he has established his identity as a "person" entitled to enrollment his "descendants" are enrolled as a matter of course.

The Supreme Court of the United States has repeatedly declared that an act should be construed so as to lead to ^{not} ~~an~~ ^{an} injustice, oppression and ^{an} absurd consequence. *Lau Ow Bow vs. United States*, 144 U. S. 47, 51. We submit that it would be leading to injustice, oppression and ^{an} ~~an~~ absurd consequence to require of a baby that it shall of its own volition leave his mother's arms and "remove to and in good faith settle in the Nation in which it claims citizenship".

CONCLUSION.

Benjamin F. Palmour and his oldest three children have "removed to and in good faith settled" in the Cherokee Nation and are, therefore, entitled to enrollment. His ~~three~~ ^{three} youngest children are, in contemplation of law, infants, and are incapable of removing from their father's home. To deprive them of the right to enrollment because they have not done that, which in contemplation of law is impossible, is a construction condemned and rejected by the Supreme Court of the United States as leading to injustice, ~~gross~~ oppression and absurd consequence, and is to be avoided.

Any other construction gives them the right to enrollment.

Respectfully submitted,

Harry L. Raybill

Thurman White

A. B. Dickie

Cred. M. Fulton

Attorneys for Applicants

416 5th St., N. W.,

Washington, D. C.

COMMISSIONERS
HENRI L. DAWES
TAMM HIXEY
THOMAS B. NEEDLES
C. R. BRICKNIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES : Cherokee D 686.

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Enc. C. No. 108.

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COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 888.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 9, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 25, 1902.

Respectfully,



Acting Chairman.

COMMISSIONERS
TAMM BIXBY
THOMAS B. HINDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING:

Cherokee R-704

Muskegee, Indian Territory, April 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

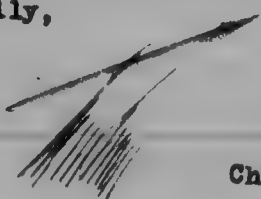
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on April 3, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking further testimony, the application of Benjamin F. Palmour, et al., for enrollment as citizens of the Cherokee Nation.

Evidence is particularly required as to the residence of these applicants in the Cherokee Nation, and the principal applicant and her agent have, this day, been notified that any further testimony they may have to introduce can be presented before the Cherokee Land Office of this Commission on or before May 16, 1903.

Respectfully,



Chairman.

HGRS

md9

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERN IN REPLY TO THE FOLLOWING

Cherokee D-888

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 18, 1903, granting the application of Benjamin F. Palmour for the enrollment of himself and his minor children, John D., Bessie, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-42

Chairman.

meq

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee A 704

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

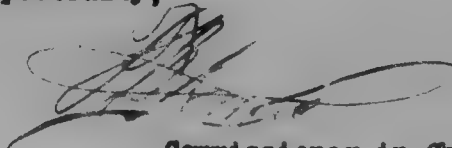
Muskogee, Indian Territory, March 10, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated September 18, 1903, granting the application of Benjamin F. Palmour for the enrollment of himself and his six minor children, John D., Beasis, Robert, Mary L., Sarah and Hugh A. Palmour, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 29, 1904.

Respectfully,



Commissioner in Charge.

THE MATTER OF THE APPLICATION OF

Samuel H. Palmer, et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 12/5/00.

B. Memo. of application of 12/5/00.

C. Copy of marriage license and certificate.

D. Copy of certificate of admission.

E. Receipt for testimony.

F. Notice of final consideration 3/12/01.

De vian

Order closing testimony 3/12/01

See Cherokee Act of 1849

Transferred to R-704.

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Cher D 889

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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE NINE CIVILIZED TRIBES.
TULSA, I. T., FEBRUARY 24, 1900.

IN THE MATTER OF THE APPLICATION OF Virginia S. DeLozier for enrollment as a citizen of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Brockinridge, testified as follows:

- Q Give me your full name please? A Virginia S. DeLozier.
Q How old are you? A Twenty two.
Q What is your Post office? A Dalson.
Q In what district do you live; Coconino? A Yes sir.
Q Who is it you want to have enrolled; just yourself? A Yes sir.
Q Are you a Cherokee by blood? A By blood.
Q How long have you lived in the Cherokee Nation? A I have lived here two years; I came and then left and then came back.
Q When did you first come? A In 1893.
Q When did you come in 1893; What part of 1893?
A It was in May.
Q In what part of 1893 did you leave? A I never left in 1893.
Q When did you leave? A In 1895.
Q Then when did you come back again? A In 1899.
Q Have you lived here ever since you came in 1899? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation?
A Yes sir, I am on the 1894 Roll.
Q Did you draw Cherokee Strip Money? A Yes sir.
Q Give me the name of your father? A Benjamin A. F. Palmour.
Q Is he living? A Yes sir.
Q Give me the name of your mother? A Julia A.
Q She is living is she? A No sir, dead.
Q Are you married? A Yes sir.
Q When did you marry? A 1900
Q In this year? A Yes sir.
Q Whom did you marry? A Joseph Wallace DeLozier.
Q Have you a certificate of your marriage? A Yes sir/

By Com'r C. R. Brockinridge: The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, authorizing the marriage to her husband, as stated by her, and the certificate shows that they were united in marriage in accordance with the said license on the 21st day of January of the present year. The license is dated the 20th of the same month. This is filed herewith.

(1894 Roll, Page 274, #1387, Virginia Palmour, Co. D district)

- Q What time in the year 1899, did you come to the Cherokee Nation?
A April the first.
Q And you have remained here ever since, have you? A Yes sir.
Q You were then twenty one years of age? A No sir, only twenty.
Q When were you twenty two years of age? A The 8th day of last April.

By Com'r. C. R. Brockinridge: An official copy of the records of the Cherokee Commission on citizenship, on file in the case of Benjamin A. F. Palmour, shows that on the 21st day of September, 1887, the applicant was admitted to citizenship by the Cherokee Commission on Citizenship, she being at that time nine years of age. This is recognized as official evidence of her admission as stated, and the document is returned to the file of her father's case.

The applicant is identified on the roll of 1894. She is shown by the records cited in the testimony to have been admitted to Cherokee citizenship by the Cherokee Commission on Citizenship, in

1897: Under that admission she came to the Cherokee Nation in 1898 and lived until during the year 1898, when she returned to the State of Georgia. She states that she returned to the Cherokee Nation on the first of April, 1899, she being still a minor, not reaching the age of twenty one until the eighth day of April of the same year, and she states that she has lived in the Cherokee Nation ever since, she came in 1898. Her change of name is established by the marriage license and certificate filed herewith. For the further consideration of the rights of the applicant, in view of her being under a minor during the time of her absence from the Cherokee Nation, her name will be placed now upon a doubtful card, she being classed as a Cherokee by blood, and the final decision of the Commission will be made known to her at her Postoffice address. In this connection, attention is also called to the testimony first taken in the application of her father, Benjamin A. F. Palmer.

The undersigned, being sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Palmer
Subscribed and sworn to before me this 5th day of December, 1900.

[Signature]

COMMISSIONER.

6889

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1962

ACTING CHAIRMAN

OFFICE OF THE
ATTORNEY GENERAL

WASHINGTON, D.C.

UNITED STATES DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

C. D-889

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Virginia S. Delasler for the enrollment of herself as a Cherokee citizen.

Appearances:

J.S. Sequichie, Muskogee, I.T., agent for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 20, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter and the applicant this day to-wit: the 10th day of March, 1902, appears in person and by her agent, J.S. Sequichie, and by agreement with the representative of the Cherokee Nation present the case is taken up for final consideration.

The agent for the applicant and the representative of the Cherokee Nation present submit the case; same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Virginia S. De Loxier for
enrollment as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record in this case shows that on December 5, 1900, Virginia S. DeLozier appeared before the Commission at Tahlequah, Indian Territory, and made application for her enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Virginia S. De Loxier is the daughter of one Benjamin A. F. Palmour, who was admitted to citizenship in the Cherokee Nation on September 22, 1887. The applicant was then nine years old. She is identified on the Cherokee Strip payment roll of 1894.

The evidence shows that said Virginia S. DeLozier came to the Cherokee Nation in 1893, removed from said Nation in 1895, and did not return until April 1899.

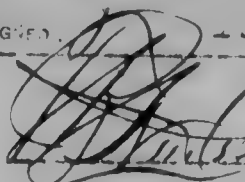
Paragraph 9, Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Virginia S. DeLozier, as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

 James Sixby.

Acting Chairman.

 C. R. Medinger.

Commissioner

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

JUL 1 1904
COMMISSION TO FIVE TRIBES.

COMMISSION TO FIVE TRIBES

349

10-20-65

SOURCE: FBI FILE ON ALBUQUERQUE, N.M., AT NEW YORK, N.Y.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Virginia S. De Lozier as a citizen by blood of the Cherokee Nation.

It appears that on the 19th day of May, 1904, the applicant and the attorney for the Cherokee Nation were each notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 17, 1904, and introduce such testimony as they might desire touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person.

Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

VIRGINIA S. De Lozier, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Virginia S. De Lozier.
Q How old are you? A 26.
Q What is your postoffice address? A Chelsea, Indian Territory.
Q You are the applicant in this case, who has applied for enrollment as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Where do you live now? A Chelsea, Indian Territory.
Q How long have you lived there? A Five years.
Q Have you been there continuously for five years? A Yes, sir.
Q Do you own any property there? A Nothing only my household goods.
Q You don't own a place, nor a house? A No, sir.
Q You are renting your residence, are you? A Yes, sir.
Q How long had it been prior to this five years ago that you came to Chelsea before you lived in the Cherokee Nation? A I lived here once before this time.
Q Once before the five years ago when you came? A Yes, sir, I lived here in '93--'94, when the Cherokee payment was.
Q Where were you born? A In Georgia.
Q When did you first come to the Cherokee Nation after you were admitted to citizenship? A I don't know whether I can answer you correctly; I came a year before the payment.
Q Before the 1890 payment? A Yes, sir.
Q You are the daughter of Benjamin A. F. Palmour who was admitted to citizenship? A Yes, sir.
Q And you were a minor at that time? A Yes, sir.

Commission: The record shows that the applicant was admitted on the 27th of September, 1887, with her father, she being nine years of age at that time.

- Q When you came to the Cherokee Nation in '93, how long did you remain here? A Two years, I believe, I am not sure.
Q Did you come here with your parents? A Yes, sir.

Q Then where did you go? A Back to Georgia.
Q How long did you stay in Georgia that time? A Four years, till I was of age.
Q Then did you return at the end of the four years to the Cherokee Nation? A Yes, sir.
Q What year did you come back? A '98---'99.
Q How old were you then? A 20 years old.
Q How long did you remain in the Cherokee Nation when you returned that time? A Up till now.
Q You haven't been out of the Nation since that? A No, sir.
Q Have you lived all that time at Chelsea? A Yes, sir.
Q Where were you married? A At Adair.

By Mr. Hastings:

Q When were you married, in what year? A '90--
Q You mean 1900? A Yes, sir.
Q Was it four years ago? A Yes, sir.
Q You came here in '93 and stayed until after the Cherokee strip payment and went back to Georgia? A Yes, sir.
Q And returned here in 1899 the last time? A Yes, sir.

CHARLES F. PALMOUR, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Charles F. Palmour.
Q How old are you? A 43, 44.
Q Your name is Charles A. F.? A Charles F., no, sir.
Q What is your postoffice address? A Chelsea, Indian Territory.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant in this case, Virginia S. De Lexier?
A Yes, sir.
Q What relation is she to you, if any? A Niece.
Q Her father was your brother? A Yes, sir.
Q Do you know when the applicant first removed to the Cherokee Nation? A '98, 92 or '3, I forget.
Q Who did she come with? A Her father.
Q How long did she remain? A Till '94, I believe, December '94 or '5, I would not be certain about that.
Q Then did she and her father leave the Nation in 1894 or '5?
A Yes, sir.
Q Where did they go? A To Georgia.
Q When did the applicant return to the Cherokee Nation the next time? A 1899, April.
Q How old was she then? A I don't believe I can tell; 20, I believe.
Q To what point in the Cherokee Nation did she return? A Chelsea.
Q Was she married at that time? A No, sir.
Q How long did she live in the Cherokee Nation after this second return? A Ever since April 1, 1899. Five years.
Q Has she been here from 1899 to the present time? A Yes, sir.
Q Continuously? A Yes, sir.
Q With whom did she live when she first returned in 1899? A Part of the time at my house and part of the time at her sister's, there by us; either of us.
Q Where was she married? A In the Cherokee Nation there about Chelsea.

Q Does she own any property that you know of about Chelsea? A Nothing that I know of now except her team and household goods.

Q She has never been out of the Nation since she came back here in 1899? A Not that I know of; not to live, at least.

(No cross-examination).

DAVID S. PALMOUR, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A David S. Palmour.

Q How old are you? A 49 years old.

Q What is your postoffice address? A Chelsea, Indian Territory.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant in this case, Virginia S. De Lexier?

A Yes, sir.

Q What relation is she to you, if any? A Niece.

Q Her father was your brother? A Yes, sir.

Q Do you know when the applicant first removed to the Cherokee Nation? A Yes, sir.

Q State when? A June, 1893.

Q Who did she come here with at that time? A With her father and his family.

Q How long did the family remain here when they came in 1893?

A From the time they came till December, 1894.

Q Then where did they go? A To Georgia.

Q Then do you know when the applicant returned the second time to the Cherokee nation? A Yes, sir.

Q When? A In 1899, April 1st, or about April 1st.

Q To what point in the Nation did they come? A Chelsea.

Q She was about how old at that time? A About 20, I think.

Q Did she return by herself? A Yes, sir.

Q With whom did she live at Chelsea? A She didn't live at Chelsea; that is where she landed. She lived with her sister; stayed there a while.

Q Has she lived in the Cherokee nation ever since she came here in 1899? A Yes, sir.

Q Never has been out since then to live? A No, sir, not to live.

Q Where was she married? A I can't answer that.

Q Was she married in the Cherokee Nation? A Yes, sir.

(No cross-examination)

BENJAMIN A. F. PALMOUR, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Benjamin A. F. Palmour.

Q How old ~~xxxxx~~ are you? A I was born in '49, make me 54, I reckon.

Q What is your postoffice address? A Chelsea, Indian Territory.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant in this case, Virginia S. De Lexier?

A Yes, sir.

Q What relation is she to you, if any? A She is my daughter.

Q The record in this case shows that you and she were admitted to citizenship in the Cherokee Nation on the 27th of September, 1887, when did she first come to the Cherokee Nation after that ~~xxxxxx~~ admission? A In '93.

Q How long did she remain here at that time? A Till right about the first of 1898.

Q Then where did she go? A Back to Georgia.
 Q How was it that you saw her all this time? A Yes, sir.
 Q When did she begin going to the Cherokee Nation? A She started
 somewhere in the winter of '90 and got sick on the
 road and had pneumonia, and I can't tell just when she got
 home, sometime in the winter of '91, as well as I remember.
 Q Do you know whether or not she came to the Cherokee Nation that
 year? A Of course, I don't know whether she was in that date or
 not. I was not here. I came there getting the year that would be --
 Q When did you start her the application? A In 1892.
 Q There was one then? A At Goshute.
 Q Was she living there? A Yes, sir.
 Q Since 1890, do you know where she has lived? A At Goshute.
 Q All the time in the Cherokee Nation? A Yes, sir.

H. M. Vance, being first duly sworn, states that as stenographer
 to the Commission to the Five Civilized Tribes he reported the pro-
 ceedings had in the above entitled cause and that the above and fore-
 going is a true and correct transcript of his stenographic notes
 thereof.

Subscribed and sworn to before me this 1st day of July, 1904.

Charles H. Sawyer

Notary Public.

Cherokee A-799.

R73

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Virginia S. DeLozier as a citizen by blood of the Cherokee Nation.

-:-

DECISION.

The record herein shows that on December 5, 1900, Virginia S. DeLozier appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 10, 1902.

The record further shows that on November 20, 1902, this Commission rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department. Thereafter, (Departmental letter of April 4, 1904, I.T.D. 7162-93), upon request of the Commission, this case was remanded for readjudication in accordance with present rulings, and on June 17, 1904, further proceedings in the matter of said application were had at Muskogee, Indian Territory.

The evidence herein shows that the applicant, Virginia S. DeLozier, is a Cherokee by blood; that on September 22, 1889, by the properly constituted authorities, she, together with other members of her family, was "admitted to all the rights, privileges and immunities of Cherokees by blood"; that in the year 1893, said applicant, with her father, removed to the Cherokee Nation from Georgia, remained about two years and then returned to Georgia, where she continued to reside until the year 1899, when, at the age of twenty, she returned to the Cherokee Nation, and has since continuously lived therein. Said applicant is duly identified on the Cherokee Strip Payment roll of 1894.

Benjamin P. Palmour, father of the applicant herein, whose status as a Cherokee citizen was similar to that of his daughter, is included in a partial roll of citizens by blood of

The Executive Order, No. 11,000, issued by the Secretary of the Interior, June 12, 1904, is hereby approved.

It is, therefore, the order of this Commission that, following the ruling of the Commission in the case of Mrs. H. C. Camp, et al. (T.T.S. 1011-24), Virginia A. Doolittle should be enrolled as a citizen by deed of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 22, 1906 (34 Stat., 403), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Birby.

Chairman

SIGNED

I. B. Needles.

Commissioner

SIGNED

C. R. Breckinridge.

Commissioner.

FEB 24 1905

ATTORNEYS

L. B. HELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. U. D. 889.

Muskogee, I. T., March 6, 1908.

H. M. Couch, Esq.,

Chelsea, I. T.

Dear Sir:

Please advise us if Virginia C. Delozier and her husband, Joseph Wallace Le-Lozier are living in the Cherokee Nation now. They claim that their place of abode is Chelsea, I. T. If they have moved back to Georgia and are not living in the Nation now please give us the name of a good witness by whom we can prove that they are non-residents of the Cherokee Nation.

Yours truly,

85N
COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee B-009.

APPLICANT ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

McKagoo, Indian Territory, November 24, 1902.

V. W. Hastings,

Attorney for Cherokee Nation,

McKagoo, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Virginia S. De Lavier for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. B-110.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-889

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Virginia S. DeLozier for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 17, 1903.

Respectfully,



Acting Chairman.

Boz

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-799
(D-889)

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior of January 17, 1903, approving the Commission's decision denying the application of Virginia S. De Lozier for enrollment as a citizen by blood of the Cherokee Nation, Cherokee R-799 (D-889), was rescinded and said case was remanded for further testimony and readjudication.

The applicant has this day been notified that any testimony she may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, I.T., on or before May 16, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee Nation.

Evidence is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

HYM

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COMMISSIONER.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.
Cherokee R-799.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

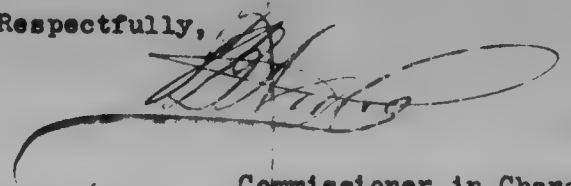
Dear Sir:

In the matter of the application of Virginia S. DeLozier for enrollment as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of April 4, 1904, remanding the Commission's decision of January 17, 1903, rejecting her application, and directing that she be given an opportunity to introduce further testimony in support of her application. It is particularly desired that she introduce testimony as to her residence.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday June 17, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,



Commissioner in Charge.

COMMISSIONERS:

TAMM BERRY,
THOMAS B. NEEDLES,
C. E. HESKETHRIDGE,

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE TO APPLY TO THE FOLLOWING:

Cherokee B-792.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Virginia L. DeLozier, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tamm Berry
Chairman.

Encl. L-59.

IN THE MATTER OF THE APPLICATION OF

Virginia S. DeLozier

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony of 12/5/00.

(2) Memo. of publication of 12/5/00.

(3) Married license and certificate

(4) Notice of final consideration, 3/12/02

(5) Order closing testimony 3/10/02

100-714-1000

See Cherokee Secret Book

Cher D 890

Cher D 890

D 890

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 5 1900

ARTHUR BRADLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TALLAHATCH, I.T., JANUARY 24th 1900.

IN THE MATTER OF THE APPLICATION OF Phineas Poorboy for the enrollment of herself, husband and child as citizens of the Cherokee Nation, and she being sworn and examined by Com'r Genl. C. R. Brackinridge, testified as follows:

- Q Give us your full name? A Phineas Poorboy.
Q How old are you? A Thirty one.
Q What is your Postoffice? A Tahlequah.
Q Do you live in Tahlequah District? A Yes sir.
Q Have you a family? A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children have you? A One.
Q Do you apply for yourself, your husband and one child?
A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q What are you? A A white woman.
Q What is your husband? A A Cherokee.
Q A Cherokee by blood? A Yes sir.
Q When did you marry your husband? A In 1894.
Q Have you a certificate of marriage? A Yes sir.

Com'r C. R. Brackinridge: The applicant presents a certificate of marriage, showing that on the 16th day of September, 1894, she was married to her husband by the Reverend Dean P. Robinson, in accordance with the laws of license attached thereto. This is filed herewith.

- Q Were you ever married except to this husband? A No sir.
Q Was he ever married except to you? A No sir.
Q Have you lived with him ever since your marriage to him? A Yes
A No sir.
Q When did you separate from him? A About three or four years ago.
Q Have you ever secured a decree of divorce from him? A No sir.
Q Have you remarried since you left him? A No sir.
Q Did you leave him, or did he leave you?
Q He left me I reckon. He was put in prison.
Q What was he put in prison for? A Raping a girl.
Q Is he still in prison? A Yes sir.
Q What is your husband's full name? A Israel Poorboy.
Q How old is he? A Thirty five.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q Give us the name of his father? A Ely Poorboy.
Q Is he dead? A Yes sir, he is dead.
Q Give me the name of his mother? A Tilly Poorboy.
Q Is she dead? A No sir, she is not dead.
Q Give us the name of your child? A Jeff Poorboy.
Q How old is the child? A Five years old.
Q Is this child living now and living with you? A Yes sir.

(1890 Roll, Page 790, #1604, Israel Poorboy, Tahlequah Dist)
(1896 Roll, Page 1223, #2220, Israel Poorboy, Tahlequah Dist)
(1896 Roll, Page 1247, #2202, Phineas Poorboy, Tahlequah Dist)
(1896 Roll, Page 1223, #2221, Jeff Poorboy, Tahlequah Dist)

- Q Where was your husband convicted? what Court? Here at Tahlequah?
A Yes sir.
Q In what prison is he confined? A Columbus, Ga.

Com'r C. R. Brackinridge: The applicant applies for the enrollment of herself, her husband and one child. Her husband is identified on the rolls of 1890 and 1896, as a native Cherokee. He is

stated to have lived in the Cherokee nation all his life, except the period he is now serving in prison in Columbus, Ohio. There appears no question as to the right of the applicant's husband to enrollment, provided the prison record sustains the representation made by her. He will now be listed for enrollment as a Cherokee by blood upon a Doubtful Card, in order that the prison records may be consulted, should the Commission desire to do so.

The applicant was married in 1894. She states that neither she nor her husband were previously married. The license and certificate are filed herewith. She states that she is not now living with her husband, having separated from him three or four years ago, because of his criminal conduct for which he is now in prison, but she has never been divorced from him. She is identified on the roll of 1896. No reason is seen why she should not be listed for enrollment as a Cherokee by adoption, provided the records sustain her representations herein made. For the purpose of enabling the Commission to consult said records if desired, she will now be listed for enrollment as a Cherokee by adoption upon a doubtful card. Her child, Jeff Doerboy is identified on the roll of 1896. He is living now and will be listed now as a Cherokee by blood upon a doubtful card with his father and mother, for the purposes previously cited. The final result will be made known to the applicant her Postoffice address.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of December, 1900.

R. R. Cravens
[Signature]

COMMISSIONER.

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C D - 800

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Phency Poorboy, for the enrollment of herself, her husband Israel Poorboy, and their child Jeff Poorboy, as citizens of the Cherokee Nation.

On the 5th day of December, 1900, Phency Poorboy appeared before the Commission to the Five Civilized Tribes, and made application for herself, her husband and their child, as citizens of the Cherokee Nation.

At the conclusion of the testimony offered at that time, the names of the three applicants, hereinbefore mentioned, were placed upon a "Doubtful" card, awaiting further consideration by the Commission, which has resulted satisfactorily and the following decision is rendered:

D E C I S I O N.

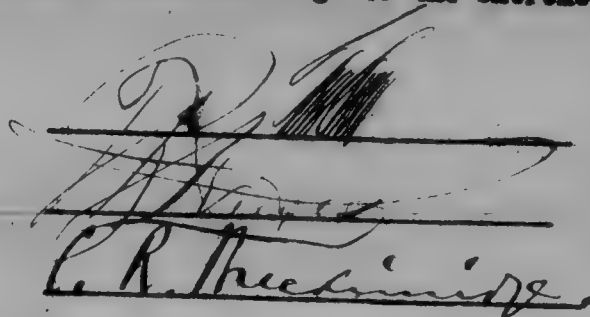
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From all the evidence of record in this case, it appears that Israel Poorboy is identified upon the authenticated tribal roll of 1880; and was married on the 16th day of September, 1894, to his wife Phency, one of the applicants in this case. That about the year 1896 or 1897, he was arrested charged with the crime of rape; found guilty, and at the time of this application was serving a sentence in the penitentiary at Columbus, Ohio. His wife, Phency, is a white woman, and is identified upon the Cherokee census roll of 1896, as is also their son Jeff Poorboy.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 23, 1900 (36 Stats. 495):

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the rolls of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Israel Poorboy being identified upon the Cherokee authenticated tribal roll of 1890, and by virtue of his incarceration unable to apply for himself; it is the opinion of the Commission that Israel Poorboy and his son Jeff are entitled to be enrolled as citizens by blood of the Cherokee Nation; and that his wife Phoney is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.


C. R. McKinstry

Dated at Muskogee, Indian Territory,
this 23 day of April 1902.

JOR.
Cher. 1890.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of PHENEY POORBOY as a citizen by intermarriage of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for Cherokee Nation.

PHENEY ALBERT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Phency Albert.

Q How old are you? A Thirty-three.

Q What is your post office address? A Tahlequah.

Q Are you a white woman? A Yes sir.

Q Some two or three weeks ago did the representatives of the Cherokee Nation serve a notice on you that they would introduce testimony in your case? A Yes sir.

Q You did not appear in response to that summons? A I was sick and was not able to come.

Q The testimony the Cherokee Nation introduced tended to show that you had married since the date of your application for enrollment? A Yes sir.

Q Have you made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.

Q What is the name of the man through whom you claim citizenship? A Israel Poorboy.

Q Is he living? A Yes sir.

Q Is he a Cherokee by blood? A Yes sir.

Q Have you married since the date of your application for enrollment? A Yes sir.

Q What is the name of your present husband? A George Albert.

Q Is he a white man? A Yes sir.

MR. HASTINGS: What is your correct first name, Phency or Sallie?

A Phency.

Q Are you also known as Sallie? A Yes sir. Sallie Tryphena is my full name.

Q In the license your last husband got, the name of the wife was given as Sallie? You are one and the same person? You are the same person that he got the license last May for to marry, under the name of Sallie Poorboy? A I don't remember how he got it.

Q When were you and he married? A In May

Q May 1902? A Yes sir.

Q You got a divorce from Israel Poorboy? A No sir, I never got a divorce from him.

Q Didn't you apply right here in the United States and get a divorce from him? A Not unless they divorced me when I enrolled.

Q From Israel Poorboy? A Yes sir, I never got any divorce from Israel Poorboy.

Q Did you apply for a divorce down here? A No sir.

Q Do you mean to say you are married to this man, that you are living with this man without having been divorced from your husband?

A Yes sir. Everybody told me, and I don't know any better. The business men told me it was not any use to get a divorce, that he was put in the pen. and that the law divorced me. I didn't know anything about it.

Q You never brought any proceedings here to get a divorce from him?

A No sir, that was the reason I didn't.

Q Israel was sent off to the penitentiary for rape? A Yes, sir.
Q How long ago? A It has been five years ago.

BY COMMISSIONER: Have you received notice from the Commission to appear and state that you have not, since the date of your application for enrollment and September 1, 1902, forfeited your right as a citizen by Intermarriage of the Cherokee Nation? A No, sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Phency Peerboy as a citizen by Intermarriage of the Cherokee Nation, Cherokee doubtful Card, Field No. 890.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 13th day of October, 1902.

John Rossen
Notary Public.

COMMISSIONERS
HARRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. N. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-890

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find decision of the Commission rendered April 23, 1902, in the matter of the application of Pheny Poorboy for the enrollment of herself, her husband Israel Poorboy, and her child Jeff Poorboy, as citizens of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the application of the said Pheny Poorboy et al, as citizens of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicants will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

IN THE MATTER OF THE APPLICATION

Israel Bondy

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testis. of 12/5/00.

B.M. of Application. of 12/5/00.

Marriage certificate

Oct.
Sept 30.
trans.

Cher D 891

Cher D 891

1981
 (1890 Roll, Page 122, 2593, Susan P. Wilkerson, Tablequah District)
 (1890 Roll, Page 122, 1631, Susan P. Wilbert, Tablequah District)
 (1890 Roll, Page 122, 1631, Susan P. Wilbert, Tablequah District)
 (1890 Roll, Page 122, 1631, Susan P. Wilbert, Tablequah District)
 (1890 Roll, Page 122, 1631, Susan P. Wilbert, Tablequah District)

Q Yes, your husband and middle initial. He signs his name R. W.
 Q When you married your husband, you were a widow? A Yes sir.
 Q Have you any one here who knows that your maiden name was Wilkerson? A No other.

Nancy Lyman, being sworn and examined by Commissioner, P. H. Breckinridge, testified as follows:

Q Give me your name please? A Nancy Lyman.
 Q How old are you? A Fifty.
 Q What is your Postoffice? A Tablequah, Mo.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Are you the mother of this lady, Mrs. Susan P. Wilbert?
 A Yes sir.
 Q She is the woman who is identified on the roll of 1890? A Yes sir.

Applicant recalled:

Q Where is your husband now? A At home.
 Q Did not come with you? A No sir.
 Q Why did he not come with you? A He could not leave home.
 Q Busy, was he? A Yes sir.

By Com'r. P. H. Breckinridge: The applicant applies for the enrollment of herself, her husband and three children. She is identified on the rolls of 1890 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood.

Of her three children, the oldest, Clarence P. is identified on the roll of 1890: he is living, and will be listed for enrollment as a Cherokee by blood.

When she files proper certification of the birth of her two younger children, Nannie R. and Morris P., these children also will be listed for enrollment as Cherokees by blood.

Her husband is shown to have married her in accordance with United States law in September, 1911: she was at that time never previously married, but that she was once previously married, and that her former husband was dead when she married her present

DOUBTFUL AS TO APPLICANT'S HUSBAND.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TALLEQUAH, I.T., DECEMBER 8th, 1900.

R.
IN THE MATTER OF THE APPLICATION OF Susan Hulbert for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, U. R. Breckinridge, testified as follows:

- Q Give me your full name? A Susan E. Hulbert.
Q How old are you? A Twenty eight years old.
Q What is your Postoffice? A Melvin.
Q In what district do you live? A Talleguah.
Q Who is it you want to enroll? Have you a family? A
A I have a family.
Q Have you a husband? A Yes sir.
Q How many children have you? A Three.
Q Do you want to enroll yourself, your husband and three children?
A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee or a white man? A Whiteman.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Monroe Wilkerson.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Nannie.
Q Is she dead? A No sir.
Q When were you married? A In 1894.
Q Were you ever married except to this husband? A Yes sir.
Q How often were you married before you married your present husband? A Once.
Q When did you marry first? A In 1890 I believe.
Q When did you marry then? A Dick Robinson.
Q Is he a white man or a Cherokee? A A Cherokee.
Q Is he dead? A Yes sir.
Q When did he die? A He died February, 1894.
Q Give me the name of your present husband? A Benjamin Hulbert.
Q That is his full name, is it? A Yes sir.
Q How old is he? A About thirty three.
Q Have you a marriage license and certificate? A Yes sir.
Q Let me see them please. (Applicant hands paper to Commissioner)

By Com'r. C. R. Breckinridge: The applicant presents a license, issued by the Clerk of the United States Court, First Judicial Division, Indian Territory, dated August 25th, 1894, authorizing marriage between herself and her husband. The certificate shows that they were united in marriage on the 2nd day of September of the same year by the Reverend Leonidas Debsen. This is filed herewith.

- Q Your husband was not married to you in accordance with Cherokee law: He did not get a Cherokee license? A He got both.
Q Where is the other one? A They did not give it to him. I guess I can get it at the clerk's office: It ought to be recorded in the clerk's office.
Q He did get out a Cherokee license, did he? A Yes sir.
Q Has he lived with you ever since he married you? A Yes sir.
Q Was he ever married except to you? A No sir.
Q Give me the names of your children? A Clarence Elmer.
Q How old is that child? A Five years old.
Q The next child? A Nannie Ruth.
Q How old is that child? A Two years old.
Q The next child? A Norris Benjamin.
Q How old is that child? A Nine months old.
Q These children are all living now, are they? A Yes sir.

(1880 Roll, Page 822, #2593, Susan E. Wilkerson, Tahlequah District)

(1896 Roll, Page 1159, #1631, Susan E. Hulbert, Tahlequah District)

(1896 Roll, Page 1222, #127, Ben Hulbert, Tahlequah District)

(1896 Roll, Page 1189, #1655, Clarence E. Hulbert, Tahlequah District)

Q Has your husband and middle initial? A He signs his name B. H.
Q When you married your husband, you were a widow? A Yes sir.
Q Have you any one here who knows that your maiden name was Wilkerson? A My mother.

Nancy Lyman, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your name please? A Nancy Lyman.

Q How old are you? A Fifty.

Q What is your Postoffice? A Tahlequah.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Are you the mother of this lady here, Mrs. Susan E. Hulbert?

A Yes sir.

Q She is the woman who is identified in her childhood with you on the roll of 1880? A Yes sir.

Applicant recalled:

Q Where is your husband now? A At home.

Q Did not come with you? A No sir.

Q Why did he not come with you? A He could not leave home.

Q Busy, was he? A Yes sir.

By Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself, her husband and three children. She is identified on the rolls of 1880 and 1896 as a native Cherokee; she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood.

Of her three children, the oldest, Clarence E. is identified on the roll of 1896: He is living, and will now be listed for enrollment as a Cherokee by blood.

When she files proper certificates of the birth of her two younger children, Nannie E. and Morris E., these children also will be listed for enrollment as Cherokees by blood.

Her husband is shown to have married her in accordance with United States law in September, 1894: She states that he was never previously married, but that she was once previously married, and that her former husband was dead when she married her present husband. She states that he has lived with her ever since their marriage: He is identified with her on the roll of 1896: He will be listed now for enrollment upon a doubtful card as a Cherokee by adoption, and it is required that the Commission be supplied with official evidence of his having been married in accordance with Cherokee law.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 6th day of December, 1900,

0891
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRE CIVILIZED TRIBES

FILED
DEC 5 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

DEC - 5 1900

1900.

83

Name Benjamin Hulbert, Melvin J. G. Date DEC - 5 1900
 District TAHLEQUAH. Year 1896 Page 1282 No. 127

Citizen by blood No Mother's citizenship N. S.

Intermarried citizen Yes

Married under what law N. S. & S. S. Date of marriage 1893

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Not on 1896 roll as Ben Hulbert

Cherokee license & certificate to be supplied

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1900.

S U P P L E M E N T A L T E S T I M O N Y .

D 891.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION FOR
the enrollment of Benjamin H. Hulbert as a citizen of the Cherokee
Nation:

T. W. TRIPLETT, being sworn and examined by Commissioner Need-
les, testified as follows:

Q What is your name? A T. W. Triplett.

Q What is your age? A 31.

Q What is your post office address? A Tahlequah.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q Do you know Ben Hulbert? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q What official position, is any, did you occupy in the year of
1894? A Clerk of Tahlequah district.

Q Do you know whether you issued a Cherokee marriage license to
Ben Hulbert, or not, to marry his wife? A Yes, I remember the
license was issued to him by myself, I ain't positive about it, he
thinks it is, and since he freshened my memory, I think I did. I
remember his being in there and making application for a license
and I remember his having gotten the license.

Q You know that he got it? A Yes, sir.

Q You are positive of that? A Yes, sir.

Q He claims that he searched the records of the Clerk's office
and they cannot be found; what explanation can you make of that?
A In 1898, well for three years I believe, we had fires, and burn-
ed out them in 1895 up here on the corner and a good many papers
at that time were burned, destroyed or lost, at any rate they were
never found and the probabilities are that Mr. Hulbert's marriage
license--he claims I believe that they were returned by Mr. Dobson,
who performed the ceremony.

Q Do you know whether Mr. Hulbert is a recognized as an adopted
citizen of the Cherokee Nation since that time? A Yes, sir, I
know that he has voted since that time.

Q And so considered? A Yes, sir.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony of the above witness and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of December, 1900.



Commissioner.

R.

C. D-881.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Benjamin H. Hulbert for the enrollment of himself as a citizen of the Cherokee Nation.

Appearance:

W. V. Hastings, attorney for the Cherokee Nation.

BY COMMISSIONER: The applicant was notified by registered letter February 20th, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration at its offices in Muskogee, I. T. on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this date, to-wit: the 12th day of March, 1902, appears in person.

BY COMMISSIONER OF MR. HULBERT: What is your name?

MR. HULBERT: Benjamin H. Hulbert.

Q. How old are you? A. Forty-one years old.

Q. What is your post office address? A. Melvin, Cherokee Nation.

Q. You are an applicant before the Commission as a citizen of the Cherokee Nation? A. Yes sir.

Q. Is there any further statement you desire to make relative to your application? A. I do, but I have been informed they were no good.

Q. What are they, affidavits? A. Yes sir.

Q. They are not admissible as testimony at all. You submit the case for ~~consideration~~ final consideration. A. Yes sir.

The applicant and the representative of the Cherokee Nation here present submit the case, and the same is considered completed, and will be reported to the Commission for final decision upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm. Hutchinson

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of BENJAMIN H. HULBERT, as
a citizen by intermarriage of the Cherokee Nation:

BENJAMIN H. HULBERT, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Benjamin H. Hulbert.
Q What is your age at this time? A I am about forty five.
Q What is your last office address? A Malvin.
Q How old are you? A I said I was about forty five.
Q You made application for you originally, in 1900?
A My wife, I guess.
Q Are you the same Benjamin H. Hulbert for whom application was made
to the Commission for enrollment as an intermarried citizen?
A Yes sir.
Q Your age at that time was put down as thirty three, you think
that is incorrect? A Yes sir.
Q You think it should have been given as somewhere about 43?
A Yes sir.
Q What is your wife's name? A Susie.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A In 1894.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you filed your license with the Commission?
A I think my license got burned up.
Q Did you file a copy of it with the records? A I suppose so,
I don't know whether I did or not.
Q You don't know what has been done in your case?
A Triplett, the clerk at that time, said they got burned up.
Q Have you made proof of your marriage under a license?
A Yes sir. I reckon, he was the man that issued the license.
Q Did you have him before the Commission before? A Yes sir.
Q Well, were you ever married before you married your wife Susie?
A No sir.
Q She is your first wife? A Yes sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times? A Once.
Q What was her first husband's name? A Robinson.
Q Was he living or dead when she married you? A Dead.
Q You are her second husband? A Yes sir.
Q Have you and Susie been living together ever since you were
married? A Yes sir.
Q Were you living together on September 1, 1902? A Yes sir.
Q Have you been living in the Cherokee Nation ever since you were
married up to the present time? A Yes sir.

H. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this November 24, 1902.

H. C. Bagwell
B. C. Jones
Notary Public.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
JUDICIAL DIVISION.
ss.

I JOSEPH W. PHILLIPS, Clerk of the United States Court in the Indian Territory, do hereby
certify that the instrument hereto attached was filed for record in my office the
day of *Oct* 189*7*, at *Get* M., and duly recorded in Book *2*
Page *36*

Witness my hand and seal of said Court at *Get*
Territory, this *10* day of *Oct*
in said *Get*

Clerk.

Deputy.

COMMISSIONER
OF THE
INDIAN TERRITORY

CHARLES

CERTIFICATE OF RECORD.

United States of America,

INDIAN TERRITORY,

ss.

JUDICIAL DIVISION.

I, JOSEPH W. PHILLIPS, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the *26th* day of *Oct* 189*9*, at *Okla* M., and duly recorded in Book *2* Page *133* Record,

Page *46*

Witness my hand and seal of said Court at *Okla*

Territory, this

day of *Oct*

in said

By *J. W. Phillips*

Deputy.

ACTING CLERK.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE LAND OFFICE
RECEIVED
OCT 26 1899
INDIAN TERRITORY

Marriage License.

United States of America,
INDIAN TERRITORY,
First Judicial Division.

No. *5613*

To Any Person Authorized by Law to Solemnize
Marriage—Greeting:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of
Matrimony between Mr. *J. D. Buchanan* of *Wagoner*
in the *P.O.* aged *27* years, and
M^{rs}. *Lucie Robinson* of *Wagoner* in the
P.O. aged *22* years, according

to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and Official Seal, this *25th* day of *August* A. D., 189*4*

By *James W. Phillips* CLERK OF THE U. S. COURT.
Wagoner DEPUTY.

Certificate of Marriage.

United States of America,
INDIAN TERRITORY,
First Judicial Division.

Leonidas Dobson
a Minister of the Gospel

DO HEREBY CERTIFY, that on the *25th* day of *September* A. D., 189*4*
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the
Banns of Matrimony between the parties therein named.

WITNESS my hand this *25* day of *September* A. D., 189*4*

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory,

First Judicial Division, Book *9*, Page *94*

Leonidas Dobson
a Minister of the Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory,
from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One
Hundred Dollars (\$100.)

Executive Department, Cherokee Nation,
Tahlequah, Indian Territory.

I hereby certify that I have made careful examination of the
records of Tahlequah District, Cherokee Nation, and said record
does not show any evidence of the issuance of a marriage
license to Benjamin H. Gilbert to marry Susan C. Wilkerson;
I further certify I am custodian of said records.

Given on this the 23d. day
of June 1902.

Executive Secretary.

RECEIVED
JUN 24 1902
CHEROKEE NATION
TALLEQUAH

BS 1803
JUN 19 1902

Executive Department, Cherokee Nation,
Tahlequah, Indian Territory.

I hereby certify that I have made careful examination of the records of Tahlequah District, Cherokee Nation, and said record does not show any evidence of the issuance of a marriage license to Benjamin H. Hulbert to marry Susan C. Wilkerson; I further certify I am custodian of said records.

Given on this 23d day
of June 1902.

J. T. Parks,
Executive Secretary.

Cherokee -B- 891

R.

C. D-891.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 18, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Benjamin H. Hulbert for the enrollment of himself as a citizen of the Cherokee Nation.

Appearance:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 20th, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration at its offices in Muskegee, I. T. on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this date, to-wit; the 12th day of March, 1902, appears in person.

BY COMMISSION OF MR. HULBERT: What is your name?

MR. HULBERT: Benjamin H. Hulbert.

Q. How old are you? A. Forty-one years old.

Q. What is your post office address? A. Melvin, Cherokee Nation.

Q. You are an applicant before the Commission as a citizen of the Cherokee Nation? A. Yes, sir.

Q. Is there any further statement you desire to make relative to your application? A. I do, but I have been informed they were no good.

Q. What are they, affidavits? A. Yes, sir.

Q. They are not admissible as testimony at all. You submit the case for consideration for final consideration. A. Yes, sir.

The applicant and the representative of the Cherokee Nation here present submit the case, and the same is considered completed, and will be reported to the Commission for final decision upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Benjamin H. Hulbert as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 5, 1900, Susan E. Hulbert appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of her husband, Benjamin H. Hulbert, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900, and at Muskogee, Indian Territory, on March 12, 1902.^A

The record in this case shows that the said Benjamin H. Hulbert was lawfully married, on September 2, 1894, to Susan E. Wilkerson, a citizen by blood of the Cherokee Nation. The marriage license authorizing such marriage, which was presented to this Commission, is a license issued by the Clerk of the United States Court in the Indian Territory, but the evidence shows that a Cherokee marriage license was also issued to the applicant in accordance with the laws of the Cherokee Nation. There is no public record of the issuing of said Cherokee marriage license, but the same is satisfactorily established by the evidence. Benjamin H. Hulbert is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Benjamin H. Hulbert has lived with his wife in the Cherokee Nation since the date of their marriage, and that he was a resident of the said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Benjamin H. Hulbert should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 27, 1902

In the matter of the application of BENJAMIN H. HULBERT, as
a citizen by intermarriage of the Cherokee Nation

BENJAMIN H. HULBERT, being duly sworn and examined by the
Commission, testified as follows

Q What is your name? A Benjamin H. Hulbert.
Q What is your age at this time? A I am about forty five.
Q What is your post office address? A Melvin.
Q How old are you? A I said I was about forty five.
Q Who made application for you originally, in 1900?
A My wife, I guess.
Q Are you the same Benjamin H. Hulbert for whom application was made
to the Commission for enrollment as an intermarried citizen?
A Yes sir.
Q Your age at that time was put down as thirty three, you think
that is incorrect? A Yes sir.
Q You think it should have been given as somewhere about 43?
A Yes sir.
Q What is your wife's name? A Susie.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A In 1894.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you filed your license with the Commission?
A I think my license got burned up.
Q Did you file a copy of it with the records? A I suppose so.
Q I don't know whether I did or not.
Q You don't know what has been done in your case?
A Triplett, the clerk at that time, said they got burned up.
Q Have you made proof of your marriage under a license?
A Yes sir. I reckon, he was the man that issued the license.
Q Did you have him before the Commission before? A Yes sir.
Q Well, were you ever married before you married your wife Susie?
A No sir.
Q She is your first wife? A Yes sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times? A Once.
Q What was her first husband's name? A Robinson.
Q Was he living or dead when she married you? A Dead.
Q You are her second husband? A Yes sir.
Q Have you and Susie been living together ever since you were
married? A Yes sir.
Q Were you living together on September 1, 1902? A Yes sir.
Q Have you been living in the Cherokee Nation ever since you were
married up to the present time? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me at Muskogee, I. T.,

E. C. Bagwell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of BENJAMIN H. HULBERT, as
a citizen by intermarriage of the Cherokee Nation:

BENJAMIN H. HULBERT, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name ? A Benjamin H. Hulbert.
Q What is your age at this time ? A I am about forty five.
Q What is your post office address ? A Melvin.
Q How old are you ? A I said I was about forty five.
Q Who made application for you originally, in 1900 ?
A My wife, I guess.
Q Are you the same Benjamin H. Hulbert for whom application was made
to the Commission for enrollment as an intermarried citizen ?
A Yes sir.
Q Your age at that time was put down as thirty three, you think
that is incorrect ? A Yes sir.
Q You think it should have been given as somewhere about 43 ?
A Yes sir.
Q What is your wife's name ? A Susie.
Q Is she a Cherokee by blood ? A Yes sir.
Q When were you married to her ? A In 1894.
Q Were you married under a Cherokee license ? A Yes sir.
Q Have you filed your license with the Commission ?
A I think my license got burned up.
Q Did you file a copy of it with the records ? A I suppose so,
I don't know whether I did or not.
Q You don't know what has been done in your case ?
A Triplett, the clerk at that time, said they got burned up.
Q Have you made proof of your marriage under a license ?
A Yes sir. I reckon, he was the man that issued the license.
Q Did you have him before the Commission before ? A Yes sir.
Q Well, were you ever married before you married your wife Susie ?
A No sir.
Q She is your first wife ? A Yes sir.
Q Was she ever married before she married you ? A Yes sir.
Q How many times ? A Once.
Q What was her first husband's name ? A Robinson.
Q Was he living or dead when she married you ? A Dead.
Q You are her second husband ? A Yes sir.
Q Have you and Susie been living together ever since you were
married ? A Yes sir.
Q Were you living together on September 1, 1902 ? A Yes sir.
Q Have you been living in the Cherokee Nation ever since you were
married up to the present time ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this November 24, 1902.

E. C. Bagwell
B. D. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 20, 1902.

In the matter of the application of BENJAMIN H. MULBERT, as
a citizen by intermarriage of the Cherokee Nation:

BENJAMIN H. MULBERT, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Benjamin H. Mulbert.
Q What is your age at this time? A I am about forty five.
Q What is your post office address? A Melvin.
Q How old are you? A I said I was about forty five.
Q Who made application for you originally, in 1900?
A My wife, I guess.
Q Are you the same Benjamin H. Mulbert for whom application was made
to the Commission for enrollment as an intermarried citizen?
A Yes sir.
Q Your age at that time was put down as thirty three, you think
that is incorrect? A Yes sir.
Q You think it should have been given as somewhere about 43?
A Yes sir.
Q What is your wife's name? A Susie.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A In 1894.
Q Were you married under a Cherokee license? A Yes sir.
Q Have you filed your license with the Commission?
A I think my license got burned up.
Q Did you file a copy of it with the records? A I suppose so,
I don't know whether I did or not.
Q You don't know what has been done in your case?
A Triplett, the clerk at that time, said they got burned up.
Q Have you made proof of your marriage under a license?
A Yes sir. I reckon, he was the man that issued the license.
Q Did you have him before the Commission before? A Yes sir.
Q Well, were you ever married before you married your wife Susie?
A No sir.
Q She is your first wife? A Yes sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times? A Once.
Q What was her first husband's name? A Robinson.
Q Was he living or dead when she married you? A Dead.
Q You are her second husband? A Yes sir.
Q Have you and Susie been living together ever since you were
married? A Yes sir.
Q Were you living together on September 1, 1902? A Yes sir.
Q Have you been living in the Cherokee Nation ever since you were
married up to the present time? A Yes sir.

H. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this November 24, 1902.

H. C. Bagwell
B. D. Jones
Notary Public.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guipm	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadbush	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemop C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Moek	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John L. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McGay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherland	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaber	5611
Emma H. Roach	5612

William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bldejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyle	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengel	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carfile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clara Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda E. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9870
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Lotisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Eeland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Naney Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Seudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D	408
Sarah A. Fields	10214	Adolphus J. Hallum	D	483
Susie Henderson	10216	Alexander Walker	D	490
Charles H. Rienhardt	10218	Albert J. High	D	491
William H. Watkins	10221	America Matoy	D	501
Frank M. Rucker	10222	Moses L. Grazier	D	503
Henry C. Reed	10224	Myrtle Hall	D	509
Laura B. Timberlake	10226	Wallace Thursday	D	544
George A. Brown	10228	Thomas W. Baker	D	546
Drucilla Lowrey	10232	Mattie E. Keys	D	550
Almira Mouse	D	9	D	560
Lenora Prather	D	16	D	572
Andrew M. Cooter	D	17	D	574
Martin L. Stokes	D	28	D	577
Peter Walters	D	44	D	582
Columbus M. Reeves	D	58	D	585
Sarah Barnes	D	103	D	594
George T. Kiddy	D	108	D	600
Henry C. Agent	D	139	D	603
Joseph Phipps	D	147	D	621
Henry Hilton	D	149	D	622
David A. McGlamery	D	161	D	624
Maggie Doublehead	D	169	D	641
Annie Lovett	D	180	D	648
Nora Hood	D	184	D	650
John A. Johnson	D	232	D	655
Nathaniel G. Simpson	D	242	D	682
Oncico W. Head	D	244	D	688
Etta Taylor	D	245	D	698
Susan V. Sullivan	D	262	D	708
Levi H. Tackett	D	263	D	709
William H. Connelley	D	264	D	711
Julia A. Sullivan	D	284	D	713
May Fields	D	297	D	728
Katie Hummingbird	D	308	D	734
William F. Sager	D	320	D	746
Lovick P. Garrison	D	334	D	749
Henry Grubb	D	338	D	752
Lucy F. Lacey	D	340	D	759
Callie Blevins	D	341	D	779
James S. Alfrey	D	355	D	786
Shadrack C. Wallen	D	368	D	787
Ada Hall	D	376	D	788
Jane M. Hicks	D	396	D	793
Fannie L. Dupree	D	403	D	799
Willis Battles, Jr.	D	404	D	800
Joshua W. Ellis	D	413	D	806
Nina B. Owen	D	450	D	855
John M. Ridenour	D	458	D	856
Emery S. Thompson	D	464	D	875
		Leander A. Keys	D	650
		James J. Barndollar	D	655
		Nathan J. Brink	D	682
		William S. Miles	D	688
		Emma Waybourn	D	698
		Dora E. Rogers	D	708
		James W. Turley	D	709
		Lizzie Ward	D	711
		Robert J. Holly	D	713
		Belle I. Quinton	D	728
		Francis M. Boothe	D	734
		Amos W. Lord	D	746
		Agnes N. Childers	D	749
		John E. Renfrow	D	752
		William Coon	D	759
		Louis Bruere	D	779
		Georgia A. Waybourn	D	786
		Eliza Fields	D	787
		William H. Brown	D	788
		William A. Cox	D	793
		Charles A. Robison	D	799
		Artha Williams	D	800
		Adam Gearhart	D	806
		Cicero F. Rogers	D	855
		Annie Garrett	D	856
		George S. Yarborough	D	875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simeo	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

C.

D891

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 25 1902

COMMISSIONERS,
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20,

1902.

Mrs. Susan E. Hulbert,

Melvin, Indian Territory,

Madam:-

You are hereby notified that the application of Benjamin H. Hulbert

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate from the official having in charge the marriage record of Tahlequah District of 1894, showing that the record covering the date of marriage is burned.

Cherokee D-891
Register.

Yours truly,

~~Amos B. B. B. B. B.~~

Commissioner in Charge.

Washington, Indian Territory, June 19, 1900.

Mr. J. T. Parks,

Executive Secretary, Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Will you please examine the records of Tahlequah District and ascertain whether such records show the issue of a marriage license to Benjamin H. Hulbert to marry Susan C. Wilkerson, alleged to have been issued in 1894.

Please certify the result of your examination to this Commission.

Yours truly,

Commissioner in Charge.

Register

Cher. D 891

Muskegee, Indian Territory, January 10, 1907.

Benjamin H. Hulbert,

Melvin? Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee 1891

Muskogee, Indian Territory, March 14, 1907.

Benjamin H. Hulbert,

Melvin, Indian Territory

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 26, 1907.

Respectfully,

RPI

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

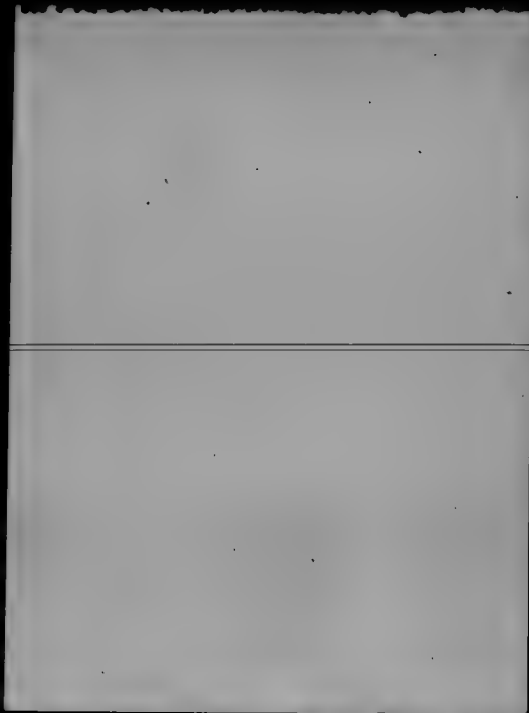
You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

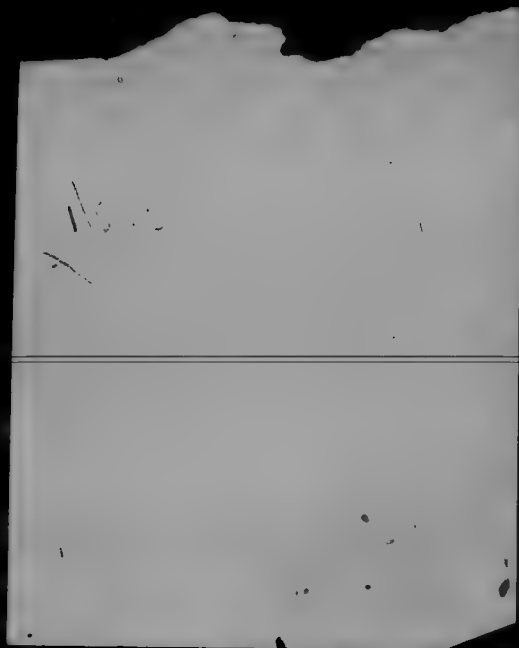
For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-100
MTM

Commissioner.





Cher D 892

Cher D 892

D 891

COMMISSION TO THE FIVE CIVILIZED NATIONS

FILED
DEC 9 1900

ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 5, 1900.

In the matter of the application of Fanny Poorbear for the enrollment of herself and one child as Cherokee citizens; she being sworn and examined by Commissioner C. R. Brockington, testified as follows:

Q Give us your full name. A Fanny Poorbear.
Q How old are you? A 30 years old.
Q What is your postoffice? A Tahlequah.
Q Do you live in Tahlequah district? A Yes sir.
Q Who do you want to enroll; just yourself, or have you a family?
Yer just apply for yourself? A I would like to enroll for my boy.
Q Why don't he enroll himself? A He is in the penitentiary.
Q Prisoner—You can apply for him.)
Q For yourself and one child? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Your name is Fanny Poorbear? A I guess so.
Q Give us the name of your father. A Johnson Parris.
Q Is he dead or alive? A He's dead.
Q Give us the name of your mother. A Delilah.
Q Is she dead? A Yes sir.
Q How many times have you been married? A Three times.
Q Give us the name of your first husband. A Van Antwerp.
Q How long were you married? A A long time ago just after the war.
Q How long did you live with him? A I lived with him about 14 years.
Q How did he die? A He got killed.
Q That was when you married the next time? A Silas Clark.
Q How long was it after your first husband's death when you married your husband, Clark? A I don't know exactly I can't tell you.
Q Sometime afterwards? A Yes sir.
Q Is Clark dead? A No sir, he's living.
Q How long did you live with Clark? A About two years.
Q Is Clark a white man? A No sir, Cherokee.
Q Then you married the third time? A Yes sir.
Q Poorbear? Ayenah.
Q You married him more than twenty years ago, didn't you? A About fourteen.
Q Is Poorbear dead? A No sir.
Q Your name in 1880 was a Clark I expect twenty years ago? A I always signed my name Parris. I don't know how my name is on the 1880 roll; think it is Parris.
Q What is the name of this child? A Willie Clark.
Q How old is he? A 32 years old.
Q He's in jail now. Is he at Muskogee? A Yes sir.
1880 roll; page 564, #1363, Fanny Parris, Illinois district.
Q Were you in Illinois at that time? A Yes sir.
1880 roll; page 581, #1334, Willie Clark, Illinois district.
1880 roll; page 892, #1482, Fannie Poorbear, Illinois district.
1880 roll; page 861, #1475, William Clark, Illinois district.
Q Poorbear, was he a Cherokee? A Yes sir.
Q What was his full name? A John Poorbear.

Witness, Avis Van Antwerp, being sworn, testified as follows:

Q What is your name? A Avis Van Antwerp.
Q How old are you? A 30 years old.
Q What is your postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you the daughter of this lady here, Mrs. Fanny Poorbear?
A Yes sir.
Q What was your mother's maiden name? A Fanny Parris.
Q She was married twice before she married your father did she? A

2- P.P.

Q Give me the name of her first husband? A My father was her first husband. She married my father first.

Q And then Clark? A Yes sir.

Q And then Poorbearis was last husband? A Yes sir.

Q Your mother is the same person as the Fanny ~~McKee~~ who is enrolled in 1880 under her maiden name? A Yes sir.

Commissioner Brookinsidge-

The applicant applies for the enrollment of herself and one child. She is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. Her child, William Clark is identified on the rolls of 1880 and 1896 as a native Cherokee. She states that he is now in jail at Muskogee, and cannot apply for himself. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood on a doubtful card to await the investigation of the Court records in case the Commission so desires.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 6th day of December, 1900.

E. G. Rothenberger
J. B. [Signature]
Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Tulsa, Okla., November 11, 1901.

In the matter of the application of William Clark for admission
as a Cherokee by blood.

Supplemental testimony of father of the applicant.

All witnesses:

Applicant present in person.

William Clark, being first sworn and examined by Commissioner
Hepler, testified as follows:

Q What is your name? A William Clark.

Q What is your father's name? A Ed Clark, S. D. Clark.

Q What is your mother's name? A Fannie Peorhagen.

Q Where were you on the 5th of December, 1900? A I was in jail
at Muskogee.

Q Your sentence for adultery, was it? A Yes, sir, expired on the
31st day of December.

Q You were born and raised in the Cherokee Nation? A Yes, sir.

Q Lived in the Cherokee Nation all your life? A Yes, sir.

Q You are the identical William Clark that whose name is found on
the 1890 roll, No. 2887? A Yes, sir.

Commissioner: In the records of the Commission it ap-
pears that William Clark was listed for enrollment on August
the 5th of December, 1900, as the son of Fannie Peorhagen. At
that time his name was given as William A. Clark by reason
of the fact that he had been located in the United States Jail
at Muskogee and was at that time in prison. He now comes in
before me and declares himself for enrollment, and from the facts
in the testimony, the name of the said applicant, William Clark,
shall be transferred from a doubtful case to a straight
case, and he will be listed for enrollment as a Cherokee by blood.
This will be filed with the testimony.

Frank C. Jones, being first sworn, says that an stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of the stenographic notes taken.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 11, 1901.

In the matter of the application of William Clark for enrollment as a Cherokee by blood.

Supplemental testimony on behalf of the applicant.

Appearances:

Applicant present in person;

J. L. Baugh, Cherokee Representative.

WILLIAM CLARK, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Clark.

Q What is your father's name? A Si Clark, S. D. Clark.

Q What is your mother's name? A Fannie Poorbear.

Q Where were you on the 5th of December, 1900? A I was in jail at Muskogee.

Q Your sentence has expired, has it? A Yes, sir, expired on the 21st day of December.

Q You were born and raised in the Cherokee Nation? A Yes, sir.

Q Lived in the Cherokee Nation all your life? A Yes, sir.

Q You are the identical William Clark then whose name is found on the 1880 roll, No. 522? A Yes, sir.

Commissioner: From the records of the Commission it appears that William Clark was listed for enrollment on August the 5th of December, 1900, by his mother, Fannie Poorbear. At that time his name was placed upon a doubtful card by reason of the fact that he was incarcerated in the United States jail at Muskogee and wasn't present in person. He now comes in person and presents himself for enrollment, and from the facts in the testimony, the name of the said applicant, William Clark, ~~will~~ should be transferred from a doubtful card to a straight card, and he will be listed for enrollment as a Cherokee by blood. This will be filed with the testimony.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones
Sworn to and subscribed before me this the 11th of November, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William Clark, as a citizen of the Cherokee Nation.

On the 5th day of December, 1900, Fannie Peorbear appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of her son William Clark, as a citizen of the Cherokee Nation. The application included herself, but as she was differently classified she is not embraced in this decision, nor considered at this time.

At the conclusion of the testimony offered at that time, the name of William Clark was placed upon a "Doubtful" card, awaiting further proof of his inability to appear in person. The proof necessary has been furnished the Commission, and the following decision is rendered:

DECISION

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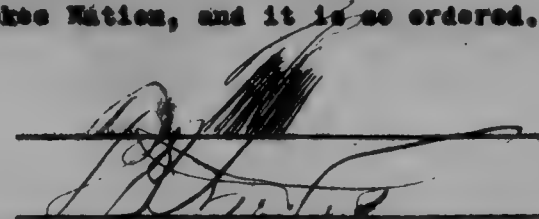
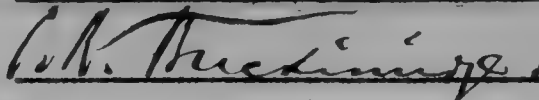
From all the evidence of record in this case, it appears that William Clark at the time of this application, was 22 years of age, and is identified upon the authenticated Cherokee tribal roll of 1890, as Willie Clark. It also appears that at the time of this application, the aforesaid William Clark was confined in the jail at Muskogee, thus accounting for the application in his behalf being made by the aforesaid Fannie Peorbear, formerly Fannie Clark.

It further appears that on the 11th day of November, 1901, William Clark having been liberated from prison, appeared in person before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission, that William Clark is entitled to be enrolled as a citizen of the Cherokee Nation, and it is so ordered.


J. B. Hunter

C. B. Thompson

Dated at Muskogee, Indian Territory,
this 23 day of April 1902.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-892

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

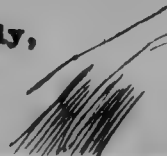
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of William Clark No. D-892, for enrollment as a citizen of the Cherokee Nation.

~~You are advised that you will be allowed fifteen days from date~~
hereof in which to file with the Commission such protest as you desire to make against the application of the said William Clark as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,



Acting Chairman.

Encl. D-892.

Q 892

IN THE MATTER OF THE APPLICATION OF

William Clark

FOR ENROLLMENT

CHEROKEE NATION

IN THE MATTER OF THE APPLICATION OF

William Clark

FOR ENROLLMENT

CHEROKEE CITIZENS.

A Original testimony of '12/5/00.

D. M. Clark, Application of '12/5/00.

See Cherokee Jacket # 6150.

Cher D 893

Cher D 893

COMMITTEE

THE

8893

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 8th, 1900.

In the matter of the application of Filander Miller for the enrollment of his wife, ROSA MILLER, and children as citizens of the Cherokee nation; said Miller being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Filander Miller.
Q What is your age? A 23.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee yourself? A By adoption.
Q Whom do you want to enroll? A My wife and two children.
Q Yourself? A I guess so.
Q Have you got a certificate of marriage? A No, sir, it is not on record.
Q What is your wife's name? A Rosa Miller.
Q What was her name before you married her? A Herrin.
Q How old is she? A 23.
Q What is her father's name? A Jim Herrin?
Q Is he living? A No, sir.
Q What was her mother's name? A Perlina Herrin.
Q Is she living? A Yes, sir.
Q What are the names of your children? A Julia B. Miller.
Q Three years old?
Q What is this? A Leonard.
Q One year old.
Q When were you married? A I was married in 1896, December.
Q Have you any certificate of readmission? A My brother-in-law he had it.

Com'r:--Upon examination of the records of the Cherokee Nation it is found that one Rosa Herrin was admitted by the Commission on Citizenship on the 7th of September, 1883.

1896 Roll; page 1187, #1851, Rosa E. Herring, Tahlequah.

- Q When did your wife come to the Cherokee Nation? A She come in '92. She come in '83 and then her father and mother moved to Arkansas, and she come back in '92 or '93, I think it was.
Q Has she been living here ever since? A Yes, sir.
Q Have you been living with her continuously since you married her?
A Yes, sir.
Q Are these children alive and living with you now? A Yes, sir.

Com'r Needles:--Filander Miller applies for the enrollment of his wife and two children, averring that he married one Rose Herrin, a Cherokee citizen in the year 1896. The name of the said Rose Herrin is found upon the census roll of 1896, and the records of the Cherokee nation show that she was admitted to Cherokee citizenship in the year 1883. The testimony shows that she removed from the Cherokee nation and did not return until the year 1893. Satisfactory proof of birth as to the two children Julia B. and Leonard, is filed, their names not appear upon the census roll of 1896, having been born after the same was compiled. Said Rosa Herrin is duly identified as to proof as to her residence, is not satisfactory. There has been a protest by the Representatives of the Cherokee Nation from the fact that she did not locate permanently in the Cherokee Nation until the year 1893; although she was a minor when she removed from the Cherokee nation and was a minor when she returned; final judgment as to the applicant for the enrollment of said Rosa Miller nee Herrin and her two children, will be suspended and their names will be placed upon a doubtful card.

Vilander Miller--2.

J. O. Reenan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reenan

Subscribed and sworn to before me this 7th day of December, 1900.

[Signature]

Commissioner.

Dr. Kasser

U I I A M

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROSA MILLER, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. The applicant this day, to-wit: the 11th day of March, 1902, appear by her attorney, Filander Miller, and requests that the case be taken up for final consideration. By agreement with the representative of the Cherokee Nation present, the request is complied with.

Mr. W. W. Hastings, present, Cherokee Representative:

FILANDER MILLER, being duly sworn, testified as follows
on part of applicants:

COMMISSION:

- Q What is your name? A Filander Miller.
Q What is your age? A 29.
Q What is your post office address? A Tahlequah.
Q Are you the husband of Rosa Miller, who is an applicant before the Commission for enrollment? A I am.

Commission: The following entry appears on page 172 of the docket of the Cherokee Commission on Citizenship for the year 1883.

"Office of Commission on Citizenship,
Tahlequah, C. N., September, A. D., 1883.

No. 165.

Paulina A. Herrin, James A. Herrin, Emma Herrin, Rosa Herrin, Arthur Herrin,

versus,

Cherokee Nation.

E. C. Bouffinet and Geo. O. Butler, Attorneys for Claimants.

Petition filed September 3rd, 1883. Case submitted by the claimant September 6th, 1883. Case submitted by the Solicitor September 6th, 1883.

And now on this the 7th day of September, A. D., 1883, this case coming on for final hearing and all the evidence produced in the case on both sides having been carefully read and duly considered by the Commission on citizenship it was adjudged and determined by said Commission that the said claimants, Paulina E. Herrin, James A. Herrin, Emma Herrin, Rosa Herrin, Martha Herrin, and Arthur Herrin, are Cherokees by blood and that they are by virtue thereof entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and they should be and they are hereby admitted to the full and complete enjoyment of the same in all respects as native Cherokees.

Thos. Tohee, President Commission.
Alex. Wolfe,
T. F. Thompson, Commissioners.

D. W. C. Dunson,
Clerk Commission.
Transcript furnished Claimant September 11th, 1883.
D. W. C. Dunson,
Clerk.

Q Your wife Rosa Miller, was a daughter of J. A. Herrin and Paulina Herrin? A She is a daughter of Paulina Herrin and Ewing Herrin.

Q When you appeared before the Commission the first time you stated that your wife's father was J. A. Herrin? A Yes, sir; I made a mistake.

Q What is his right name? A Ewing Herrin.

Q Your wife was admitted to citizenship in 1883? A Yes, sir.

Q When were you married to your wife? A In '96.

Q She was then living in the Cherokee Nation? A Yes, sir.

Q When did she come here? A '93.

Q And has she been living here continuously since that time?

A Yes, sir.

Q How old was she when you married her? A She was; I don't know.

Q About 17 wasn't she? A About 17, yes, sir; she is 23 years old now.

MR. HASTINGS:

Q Where was your wife born? A She was born in Arkansas.

Q She came here in 1893? A Yes, sir, I think that is the date.

JAMES KING, being duly sworn, testified as follows on part of applicants:

COMMISSION:

Q What is your name? A James King.

Q How old are you, Mr. King? A I am 48.

Q Your post office address? A Tahlequah.

Q Are you acquainted with the applicant in this case, Rosa Miller?

A Yes, sir.

Q How long have you known her? A I first saw her in '83, very small at that time.

Q Have you known her continuously since that time?

A They went back just after they were admitted by this Court then in session at Tahlequah stepping with my father and mother at the time and they went back to Arkansas where Mr. Herrin had lived.

Q When did they come back to the Cherokee Nation? A She came back after her mother died, her mother come in '91, or '92 probably about that date, and they were a year after that probably '93.

Q About how old was she when she came here; was she still a minor? A I suppose she was 14 or 15, may have been 16.

Q You know of your own knowledge she has been living here continuously since that time? A I have seen her a good many times; I haven't been to the house very often; I don't remember that I saw her any time before she married Miller.

FILANDER MILLER, re-called:

COMMISSION:

Q Do you in behalf of your wife and children submit the case to the Commission for final decision? A Yes, sir.

Commission: The husband in behalf of his wife and children and the representative of the Cherokee Nation present submit the case. The same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, J. E. Hanson, do hereby certify upon my official oath as stenographer to the Commission to the Rio Grande Triang that I correctly reduced the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

J. E. Hanson

aob

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rosa Miller and her minor children, Julia B., Leonard and James H. Miller, as citizens by blood of the Cherokee Nation,

DECISION.


The record in this case shows that on December 8, 1900, Filander Miller appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Rosa Miller, and his two minor children Julia B. and Leonard Miller as citizens by blood of the Cherokee Nation. Further proceedings were had in the matter of this application on March 11, 1902, at Muskogee, Indian Territory.

The evidence shows that Rosa Miller, under her maiden name of Rosa Herrin, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on September 7, 1883. She was then six years old. Said Rosa Miller is identified on the Cherokee Census roll of 1896. She was married in 1896 to Filander Miller, and Julia B., Leonard and James H. Miller are the issue of that marriage, James H. Miller, having been born since the date of the original application as appears from a birth affidavit on file with this Commission. The other two children are also identified by birth affidavits on file with this Commission.

The evidence further shows that said Rosa Miller came to the Cherokee Nation in 1883, that her parents took her back to Arkansas, and that she returned to the Cherokee Nation in 1893, where she has continuously resided ever since.

It is, therefore, the opinion of this Commission that Rosa Miller, Julia B. Miller, Leonard Miller and James H. Miller should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.
Commissioner.

Dated at Muskogee, I. T.

this AUG 18 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 893.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Filander Miller for the enrollment of his wife, Rosa Miller, and his children, Julia B., Leonard and James H. Miller, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 20.

THE MATTER OF THE APPLICATION OF

Rosa Miller et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of 12/5/00

Memo of Application of 12/5/00.

Birth certificate of Julia B.

Birth certificate of Leonard B.

Notice of final consideration 3/12/01

Decision

Sup test & order showing test 3/11/01


f.

Done

Cher D 894

Cher D 894

OFFICE OF THE INTER-AMERICAN
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 9 1900


ACTING CHAIRMAN

4688

DOUBTFUL, as to Applicant's Wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLEQUAH, I.T., DECEMBER 8th, 1900.

In the matter of the application of Pleasant H. Tidwell for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Tidwell being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Pleasant H. Tidwell.
Q How old are you? A 57.
Q What is your post office address? A Barren.
Q What is your ~~present~~ district? A Going Snake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Whom do you desire to enroll? A Myself, wife and one child.
Q What is the name of your wife? A Martha.
Q Is she a Cherokee by blood? A No, sir.
Q When did you marry her? A '63.
Q What is the name of your child? A James P.
Q How old is he? A He is 19.
Q Is your name on the roll of 1880? A No, sir.
Q Is your ~~name~~ name upon any of the rolls of the Cherokee Nation?
A It is on all the rolls this side I guess.

1898 Roll; page 702, #1704, Pleasant Tidwell, Flint.

1898 Roll; page 716, #67, ~~Martha~~ Martha Tidwell, Flint.

1896 Roll; page 702, #1708, James P. Tidwell, Flint.

Q What proof have you got of your admission to Cherokee citizenship, Mr. Tidwell? A I haven't anything except the Citizenship Court.

Com'r:--Applicant presents a certificate signed by William H. Mayes, Asst. Executive Secretary under date of Talliquah, November 5, 1891, certifying that among others that one Pleasant Tidwell was readmitted to all the rights and privileges of citizenship by the Cherokee Commission on the 21st day of September, 1886.

Q Was your wife admitted here? A No, not under that, she is a white woman.

Q Are you the identical Pleasant Tidwell mentioned in this certificate? A Yes, sir.

Q Have you ever married your wife in accordance with the laws of the Cherokee Nation since you were admitted? A No, sir.

Q Did you ever apply to the Dawes Commission in 1896 for citizenship? A I will tell you I came here and wanted to know what to do to do right. I landed in Flint and went to the Clerk over there and asked him if it was necessary to marry over, and he says our laws recognizes marriage where an Indian man marries a white woman and I came here to the Executive Department and they told me the same thing and I turned around to Joel P. Mayes, he was Chief and he says that there was no use in marrying over.

Q Did you ever apply yourself to the Dawes Commission in 1896 for citizenship? A No, sir, never did.

1894 Roll; page 596, #1836, Pleasant H. Tidwell, Flint.

1894 Roll; page 598, #1838, James P. Tidwell, Flint.

Q Mr. Tidwell, you were admitted to citizenship in the year 1886, when did you move to the Cherokee nation? A I came here in '89.

Q Have you lived here ever since that time? A Yes, sir.

Com'r Needles:--The name of Pleasant H. Tidwell appears upon the census roll of 1896 and the Pay roll of 1894, and he presents satisfactory proof of his admission to citizenship, more particularly described in the testimony. The name of his son, James P. Tidwell, was also admitted to Cherokee citizenship in the certificate described in the testimony. Having been both duly identified and having made satisfactory proof as to their residence, the said Pleasant H. Tidwell and his son, James P. will be duly listed for enroll-

Pleasant N. Tidwell--2.

ment as Cherokee citizens by blood.

His wife, Martha's, name appears upon the census roll of 1896. She is a non-citizen and married the said Pleasant N. Tidwell in the State of Georgia before their removal to the Cherokee Nation and before he was admitted in 1905 and has never been married according to the laws of the Cherokee Nation. The name of his wife is found upon the census roll of 1896. Final Judgment as to the enrollment of his wife will be suspended and her name will be placed upon a Doubtful card.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 6th day of December, 1900.

Cherokee

Commissioner.

H.

C. D-894.

Department of the Interior.
Commission to the Five Civilized Tribes.
Huskagee, I. T., March 12, 1902.

SUPPLEMENTAL EVIDENCE AND PROCEEDINGS in the matter of the application of Martha Tidwell for the enrollment of herself as a citizen of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant's husband, Pleasant H. Tidwell, was notified by registered letter February 20, 1902, that his application for the enrollment of his wife as a citizen of the Cherokee Nation would be taken up for final consideration at its offices at Muskagee I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant's husband, Pleasant H. Tidwell, this date, to-wit: the 12th day of March, 1902, appears in person.

PLEASANT H. TIDWELL being first duly sworn and being examined, testified as follows:

BY COMMISSION: What is your name? A. MR. TIDWELL: Pleasant H. Tidwell.

Q. Your wife, Martha Tidwell, is an applicant before the Commission for enrollment as a citizen of the Cherokee Nation?

A. Yes, by adoption.

Q. Where do you live? A. Barren Fork.

Q. You were requested to supply the Commission with evidence as to your marriage with your wife Martha. Have you that with you?

A. Yes sir.

There is offered in evidence a certified copy of marriage license and certificate showing that Pleasant Tidwell and Martha Carnes were united in matrimony on the 28th day of October, 1863. Same is filed herewith and made part of the record.

BY COMMISSION: Were you ever married before you married your present wife? A. No sir.

Q. Was she ever married before? A. No sir?

Q. You have been living together continuously since you were married? A. Yes sir.

Q. Have you resided in the Cherokee Nation since your admission to citizenship? A. Yes sir.

Q. You are living there now? A. Yes sir.

Q. Is there any statement you desire to make? A. I don't know that there is, further than I have made before.

Q. You are ready to submit the case for final consideration.

A. Yes sir.

The applicant and the representative of the Cherokee Nation submit the case, and the same is considered completed and will be referred to the Commission for final decision upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 5, 1900, Pleasant H. Tidwell appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his wife, Martha Tidwell, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory on March 12, 1902.

The evidence shows that the said Martha Tidwell was lawfully married on October 28, 1863, to Pleasant H. Tidwell, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 21, 1888. The said Martha Tidwell is identified on the Cherokee Census roll of 1896. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The evidence further shows that said Martha Tidwell has lived with her husband in the Cherokee Nation since the date of his admission to citizenship, and that she was a resident of said Nation at the date of the application herein. It is, therefore, the opinion of this Commission that Martha Tidwell should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.
Commissioner.
Commissioner.

Dated at Muskogee, Indian Territory,

this AUG 18 1902

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 28, 1902.

In the matter of the application of Martha Tidwell for enrollment as a citizen by intermarriage of the Cherokee nation.

Thomas A. Sheffield, called as a witness in the above entitled case, and being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas A. Sheffield.
Q What is your age? A Forty-one.
Q What is your postoffice address? A Pecos.
Q Are you a Cherokee Indian? A Yes sir.
Q Do you know Martha Tidwell? A Yes sir.
Q Do you know her husband, Pleasant Tidwell? A Yes sir.
Q How long have you known them? A Ever since I can remember.
Q How long would that be? A Twenty-five or thirty years.
Q Did you know them back in the States--Georgia? A Yes sir.
Q Do you know if Pleasant Tidwell was Martha's first husband? A Yes.
Q She had never been married before she married him? A No sir.
Q Had Pleasant Tidwell ever been married before he married Martha? A No.
Q Neither of them had ever been married before? A No sir.
Q Do you know whether they had any issue together ever since they were married? A Yes.
Q And ever since they came to this country? A Yes sir.
Q And they living together now? A Yes.
Q Pleasant Tidwell is sister-in-law to Pleasant who knows anything about it? A No.
Q When did he disappear? A About the 15th of this month from last week, at about thereabouts. He was on the eighth, and on the Saturday following he was at his Saturday morning he was missing.
Q Do you remember ever seeing him since? A No, they can't get any trace of him.
Q Were Martha and Pleasant living together on the first day of last month? A Yes sir.
Q And all the time before that? A Yes sir.

Francis R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony in the above entitled case, that the foregoing is an accurate transcript of her stenographic notes thereof.

Francis R. Lane

Subscribed and sworn to before me this November 3, 1902.

B. D. Jones
Notary Public

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of Martha Tidwell for enrollment as a citizen by intermarriage of the Cherokee nation.

Thomas A. Sheffield, called as a witness in the above entitled, case, and being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas A. Sheffield.
Q What is your age? A Forty-one.
Q What is your postoffice address? A Byron.
Q Are you a Cherokee citizen? A Yes sir.
Q Do you know Martha Tidwell? A Yes sir.
Q Do you know her husband, Pleasant Tidwell? A Yes sir.
Q How long have you known them? A Ever since I can remember.
Q How long would that be? A Twenty-five or thirty years.
Q Did you know them back in the states--Georgia? A Yes sir.
Q Do you know if Pleasant Tidwell was Martha's first husband? A Yes.
Q She had never been married before she married him? A No sir.
Q Had Pleasant Tidwell ever been married before he married Martha? A No.
Q Neither of them had ever been married before? A No sir.
Q Do you know whether they have been living together ever since they were married? A Yes.
Q And ever since they came to the nation? A Yes sir.
Q Are they living together now? A No sir.
Q Pleasant Tidwell is mysteriously missing--no one knows anything about it? A No.
Q When did he disappear? A It seems to me the 11th of this month from Tahlequah, at court there; he was summoned to be there on the eighth, and on the Saturday following--I think the 11th was Saturday morning--he was missing.
Q Do you remember ever seeing him since? A No, they can't get any trace of him.
Q Were Martha and Pleasant living together on the first day of last month?
A Yes sir.
Q And all the time before that? A Yes sir.
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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 3, 1902.

B. Jones
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 5, 1900, Pleasant H. Tidwell appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his wife, Martha Tidwell, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 12, 1902, and on October 23, 1902.

The evidence shows that the said Martha Tidwell was lawfully married on October 28, 1863, to Pleasant H. Tidwell, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 21, 1888. The said Martha Tidwell is identified on the Cherokee census roll of 1896. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The evidence further shows that said Martha Tidwell has lived with her husband in the Cherokee Nation since the date of his admission to citizenship continuously up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Martha Tidwell should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 24, 1893, (28 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Iamc Dixby.

Acting Chairman.

(SIGNED)

T. D. Needles.

Commissioner.

C. B. Crookinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 5, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory March 12, 1902 and October 23, 1902. The records further show that on December 10, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Martha Tidwell, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one Pleasant H. Tidwell, a recognized and enrolled citizen by blood of the Cherokee Nation, his name being found opposite No. 14687, on the approved partial roll of citizens by blood of the Cherokee Nation, on October 28, 1863; that the said Pleasant H. Tidwell was not, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation on September 21, 1888. Said applicant did not therefore, marry in accordance with Cherokee law a citizen by blood of the Cherokee Nation, prior to November 1, 1878.

IT IS THEREFORE ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes on December 10, 1902, granting the application for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Martha Tidwell is not entitled under the provisions of section 21

of the Act of Congress approved June 25, 1906 (34 Stat., 2257)
to enrollment as a citizen by intermarriage of the Cherokee Nation
and her application for enrollment as such is accordingly denied.

SIGNED *Wm. Smith*
Commissioner

Dated *W. Smith*, Indian Territory,

this FEB 23 1907

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 894.

Muskogee, Indian Territory, August 18, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 18, 1902, granting the application of Pleasant H. Tidwell for the enrollment of his wife, Martha Tidwell, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,



Acting Chairman.

Enc. C. No. 8.

987

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-824.

ALLISON L. AYERSWORTH,
SECRETARY.

ADVERTISED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

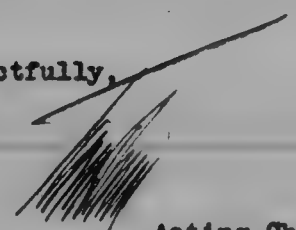
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Pleasant M. Tidwell for the enrollment of his wife, Martha Tidwell, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-271.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
10001

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Martha Tidwell as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-98.
HJC

Commissioner.

IN THE MATTER OF THE APPLICATION OF

Matha Kidwell

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony of. 12/5/00.

To Memo. of Application of 12/5/00.

Notice of final consideration 3/12/02

Decision

Original copy of memo. was burned

Order during testimony 5/12/02

See Cherokee Jacket #2164

Cher D 895

Cher D 895

VEILING CHAIKOVSKY

Class. von 1912-1913. (1912-1913) 1912-1913
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Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 5th, 1900.

In the matter of the application of James Brown for enrollment as a Cherokee citizen. He being sworn before Commissioner Breakinridge testified as follows-

- Q What is your name? A. James Brown.
Q What is your age? A. 36
Q What is your post office? A. Stillwell.
Q What district do you live in? A. Goingsnake.
Q Have you lived in the Cherokee Nation all your life? A. No sir.
Q How long have you lived here? A. 13 years.
Q Were you admitted to citizenship by the Cherokee Nation? A. Yes sir
Q What is your fathers name? A. George Brown.
Q Is he a white man? A. Yes sir.
Q Give me your mothers name? A. Money C. Tidwell.
Q Is that her maiden name? A. Yes sir.
Q Is she living? A. Yes sir.
Q Is she a Cherokee by blood? A. Yes sir.
Q What is her name now? A. Sheffield.
Q She married Sheffield after your father died? A. Yes sir.
Q Let me see your certificate of admission.
Q You say your mothers maiden name is Tidwell? A. Yes sir.
Q Was your father her first husband? A. Yes sir.
Q When did you father die? A. Dont know just when it was.
Q Was it more than 12 years ago? A. Yes sir.
Q Then she married Sheffield? A. Yes sir.

The applicant presents a certificate of admission to Cherokee citizenship signed by C. J. Harris, Assistant Executive Secretary, bearing the seal of the Cherokee Nation, dated April 8th 1890, to the effect that the records of the Commissioners Court on citizenship show that sundry persons were admitted to citizenship by the Commissioners Court on the 21st of September, 1886. Among them appears the name of Money C. Tidwell, who the applicant states is his mother.

- Q Who is Sophrona Tidwell? A. She is an aunt of mine.
Q Who is Pennington W. Tidwell? A. He is an uncle of mine.
Q Have you any brothers or sisters? A. No sir just half ~~brothers~~
not any others.
Q How do you claim your name appears on this document? A. As James P. Tidwell, that is intended for me.
Q Have you a middle name? A. No sir.
Q You claim that this James P. Tidwell is intended for you? A. Yes sir. I was living with my grand-father when he proved my rights.
Q What is the name of your mothers present husband? A. George Brown
Q Who is Thomas A. Sheffield? A. That is my step-father.
Q Well that is your mothers present husband is it not? A. Yes sir.
Q And George Brown you say was your father? A. Yes sir.
Q You came here with your mother thirteen years ago did you? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.

1896 roll, page 729, No 325, James Brown, Goingsnake dist.

- Q
Q. Your own father died back in Georgia did he? A. Yes sir.

The certificate of the record presented by the applicant contains the name of James P. Tidwell, which he claims was his name, or was intended for him, his home at that time being with his grandfather and he being called by his mothers maiden name, the same being the name of his grandfather.

Q

Q. ~~What is your~~

James Brown #2.

Q Have you anybody here who knows that your mother was formerly married to your father? A. Yes sir Mr Sheffield is her?
Q Where is he? A. Camped down at the spring.

(This certificate is filed herewith)

The applicant is identified on the 1886 roll as a native Cherokee. He presents a certificate of the records of the Cherokee Commission on Citizenship which is filed herewith, showing that his mother, as claimed by him, was admitted to citizenship in 1888, under her maiden name of Tidwell, her present name being Sheffield. He also calls attention to a name in that certificate which he states is intended for himself. He further states that his mother has lived in the Cherokee Nation ~~since~~ ever since her admission to citizenship and that he has lived in the Cherokee Nation ever since that time also. It is desired to identify his mother more definitely, and he will now be placed on a doubtful card as a Cherokee by blood to await further testimony identifying his mother as the woman mentioned in the certificate referred to, and as ~~being~~ having been the wife of applicants father, George Brown which name she does not bear on any of the records cited in this case or in case #384. In that case she is mentioned as having borne the name of Tidwell at the time she married her present husband, when it is understood from the testimony in the present case that she was at that time a widow of the applicants father George Brown and that Tidwell was her maiden name.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me on the 6th of December, 1900.

[Signature]

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, D. C., March 13, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Harnage-Hacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation.

The applicant's guardian, William Harnage, was notified by registered letter February 20, 1902, that the application of Harnage-Hacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicants this date, to-wit: the 12th day of March, 1902, appear by their guardian, William Harnage.

WILLIAM H. HARNAGE, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER OF THE INTERIOR: What is your name?

W. HARNAGE: William H. Harnage.

Q. How old are you? A. Fifty-nine.

Q. What is your post office address? A. Muskogee.

Q. You are the guardian of Harnage, James and Fannie Hacon, are you? A. Yes sir.

Q. They are applicants for enrollment as citizens of the Cherokee Nation? A. Yes sir.

Q. Is there any statement or evidence relative to their applications? A. No sir, nothing further than the certificate of citizenship.

Q. You submit the case in regard for the applicants for final consideration? A. Yes. I have no further evidence to put in.

William H. Harnage, in behalf of the applicants, and the representative of the Cherokee Nation submit the case, and the case is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Geo. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

R.

C. D-900.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Harnage-Bacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation.

The applicant's guardian, William Harnage, was notified by registered letter February 26, 1902, that the application of Harnage-Bacon for the enrollment of himself, brother and sister as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicants this date, to-wit: the 12th day of March, 1902, appear by their guardian, William Harnage.

WILLIAM W. HARNAGE, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER OF MR. HARNAGE: What is your name?

MR. HARNAGE: William W. Harnage.

Q. How old are you? A. Forty-nine.

Q. What is your post office address? A. Muskogee.

Q. You are the guardian of Harnage, James and Sabina Bacon, are you? A. Yes sir.

Q. They are applicants for enrollment as citizens of the Cherokee Nation? A. Yes sir.

Q. Is there any statement you desire to make relative to their application? A. No sir, nothing further than the certificate of citizenship.

Q. You submit the case in behalf of the applicants for final consideration? A. Yes, I have no further evidence to put in.

William W. Harnage, in behalf of the applicants, and the representative of the Cherokee Nation submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., March 1st, 1902.

SUPPLEMENTAL REPORT CONTAINED IN THE MATTER OF THE APPLICATION OF
James Brown for the enrollment of himself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20
1902 that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its office in Washoe, I. T., on the 15th day
of March, 1902, and that on said date he might appear before the
Commission, either in person or by attorney, when an opportunity
would be given him to introduce or further testimony affecting his
application. The applicant having this date, to-wit: the 15th day
of March, 1902, been called, and failing to respond, it is deemed
that his case is completed and same will be reported to the Commission
for final decision based on the evidence now of record.

RECEIVED
MAR 18 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-395.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James Brown for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 24, 1902 that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant, having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that this case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Brown for enrollment as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 8, 1900, James Brown appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant's mother, under her maiden name of Money G. Tidwell, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 21, 1888. The applicant was then a minor. He is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said James Brown has resided in the Cherokee Nation since the date of his mother's admission to citizenship, and that he was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that James Brown should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 497), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES


Acting Chairman.


Commissioner.


Commissioner

Dated at Muskogee, Indian Territory,

this AUG 19 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVILES WORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 895.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of James Brown for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 14.

IN THE MATTER OF THE APPLICATION OF

James Brown

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A Original testimony of 12/5/00
- B Memo. of Application of 12/5/00
- C Certificate of Admission
- D Notice of final consideration, 3/12/01

Deed

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and

Cher D 896


Cher D 896

D 894

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 6 1900

 ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes
Tahlequah, I. T. December, 6th 1900.

In the matter of the application of Gee Keys for the enrollment of RICHARD WEBBER as a Cherokee citizen. He being sworn before Commissioner Breckinridge, testified as follows-

- Q What is your name? A. Gee Keys. Q. How old are you? A. 39 '
Q What is your post office address? A. Chelsea, I. T.
Q What district do you live in? A. Cooweescoowee.
Q Who is it that you want to have enrolled? A. Richard Webber.
Q How old is he? A. 31.
Q Is he an orphan? A. Yes sir.
Q Why does he not apply for himself? A. He is in prison, he will be back here on the 17th of January, he will get out then.
Q Has he been living with you? A. Yes sir.
Q Is he a Cherokee by blood? A. Yes sir.
Q Has he lived in the Cherokee Nation all his life? A. Yes sir.
Q What is his post office? A. Chelsea.
Q In what district does he live? A. Cooweescoowee
Q Should his mail be addressed in your care? A. Yes sir.
Q Where is he at the present time? A. Fort Leavenworth, Kansas.
Q Give me his fathers name? A. Johnathan Webber.
Q Give me his mothers name? A. Nannie.
Q Both his parents are dead are they? A. Yes sir.
Q Where was the boy convicted? A. At Vinita,
Q When was he convicted? A. Two years ago.
Q For what crime? A. Horse-stealing.

PAGE

1880-676 No. 1285, Dick Weber, Saline dist.

1896 roll, page 279 to 5080, Richard Webber, Cooweescoowee.

The applicant applies for the enrollment of RICHARD WEBBER, who has been living with him. He is 31 years of age, but is unable to apply for himself on account of his being in the penitentiary at Fort Leavenworth, Kansas. Richard Webber is identified on the 1880 and 1896 rolls as a native Cherokee. He is said to have lived in the Cherokee Nation all his life and he will now be listed for enrollment on a doubtful card as a Cherokee by blood; he being placed on a doubtful card to give the Commission an opportunity to examine the Court records ~~in the case~~ of his conviction, in case it is desired so to do.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 6th of December, 1900.

Chas. von Weise
[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Richard Webber, as a citizen of the Cherokee Nation.

On the 6th day of December, 1900, Ose Keys appeared be-
fore the Commission to the Five Civilized Tribes and made applica-
tion for the enrollment of Richard Webber, as a citizen by blood
of the Cherokee Nation.

At the conclusion of the testimony offered at that time,
the name of Richard Webber was placed upon a "Doubtful" card for
further consideration, which has resulted satisfactorily to the
Commission, and the following decision is rendered:

D E C I S I O N

--OO--

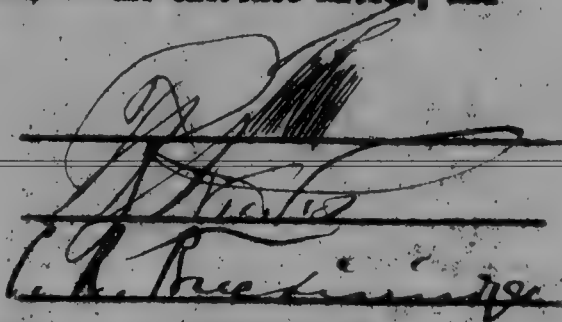
From all the evidence of record in this case, it appears
that Richard Webber is identified upon the authenticated tribal
roll of 1880, as Dick Webber; also upon the Cherokee census roll of
1896, as Richard Webber. At the time of this application he was
confined in the penitentiary at Fort Leavenworth, Kansas, which is
explanatory of the application for his enrollment being made by
the aforesaid Ose Keys.

The Commission is authorized to make rolls of citizenship
of the Cherokee Nation by the following provision of the Act of
Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes,
as required by law, the Commission to the Five Civilized Tribes
is authorized and directed to take the roll of Cherokee citi-
zens of eighteen hundred and eighty (not including freedmen)
as the only roll intended to be confirmed by this and preced-
ing Acts of Congress, and to enroll all persons now living
whose names are found on said roll, and all descendants born
since the date of said roll to persons whose names are found

thereon, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission, that Richard Vebber is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



Dated at Muskogee, Indian Territory,

Commissioners.

this 23 day of April 1902.

COMMISSIONERS
HENRY L. DAVIS
JAMES BIXBY
THOMAS B. NEEDLES
C. H. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-896

ALLISON L. AYLESWORTH
SECRETARY

BEFORE ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Richard Webber, No. D-896, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the application of the said Richard Webber as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by this Commission.

Yours truly,


Acting Chairman.

Encl. D-896.

IN THE MATTER OF THE APPLICATION OF

Richard Wabber

FOR ENROLLMENT AS A

HEROIN

Cherokee

IN THE MATTER OF THE APPLICATION OF

Richard W. Hall

FOR ENROLLMENT

CHEROKEE NATION

A Original testimony of 12/6/00.
B Memo. of Application of 12/6/00.

The Cherokee Packet 6:72

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JANUARY 1961

УСЛИС ОНТОН

Subscribed and sworn to before me this 15th day of June, 1900.

MEMPHIS, as to children, Susan A. Foreman et al.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLAHUQUAH, I. T., DECEMBER 9th, 1900:

In the matter of the application of Houston Benge Tches for the enrollment of himself and some orphan children, SUSAN E. FOREMAN et al., as citizens of the Cherokee Nation; said Tches being sworn and examined by Commissioner Breakinridge, testified as follows:

- Q Give me your full name? A Houston Benge Tches.
Q How old are you? A I am 26.
Q What is your post office? A Tallahquah, I. T.
Q Do you live in Tallahquah district? A Yes, sir.
Q Who is it you want to enroll? A Myself and I have some children in my charge I want to enroll, four.
Q They are not your own children? A No, sir.
Q Are they of a different name? A No, sir, they are Foreman.
Q Are they all of one family? A Yes, sir.
Q Are you the guardian? A Yes, sir.
Q These are orphan children are they? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A Stephen Tches.
Q Is he dead? A No, sir, he is living.
Q Give me the name of your mother? A Rhoda Tches.
Q Is she dead? A Yes, sir.
Q Give me the names of these children? A Susan Ann Elizabeth Foreman.
Q How old is that child? A 15 nearest birthday.
Q The next child? A Next is John D. R. Foreman.
Q How old is he? A 13 next birthday.
Q The next child? A Nellie M.
Q How old is that child? A Ten.
Q The next child? A Frank Foreman.
Q How old is he? A He is five years old.
Q These children are all living are they? A Yes, sir.
Q Give me the name of their father? A Stephen Foreman.
Q When did he die? A He died in '95.
Q Was he a Cherokee? A Yes, sir.
Q Had he lived in the Cherokee Nation all his life? A Not exactly, he lived part of the time in Tennessee, I think it was.
Q Was he in the Cherokee Nation 30 years ago in 1860? A He is on the 1860 roll.
Q Did he live here from that time until he died? A No, sir, he moved back and came back in 1892 or 1893 and died here in 1895.
Q Did he take his family with him when he went to Tennessee in 1892? A The children were born in Tennessee three of them were.
Q Was he readmitted to citizenship? A Yes, sir, I think, so.
Q In what year was it that Stephen Foreman left the Cherokee Nation and returned to Tennessee? A I haven't the least idea, but I learned through other sources that he was gone 10 or 11 years.
Q And these children were all born in Tennessee? A Except the youngest one, it was born here.
Q Give me the name of the mother of these children? A Christiana Foreman.
Q What was her maiden name? A Haglund.
Q Was she a Cherokee woman? A She was a Swede.
Q When did she die? A She died this August.
Q Was she ever married except to Foreman? A I have that name wrong; she was married to Haglund and then to Foreman.
Q Her name was Haglund before she married Foreman? A Yes, sir, her name was Ross when she died.
Q Do you know whether she applies for enrollment before she died?
A Not to this Commission, no, sir.

Houston R. Teehe--2.

Q Was Foreman ever married except to his wife, Christiana? A I do not know.

Com'r:--The applicant presents an official certificate from the Clerk of Hamilton County, Tennessee, showing that the records of that County show that on March 24, 1883, a marriage license was issued to S. Foreman and Christiana Nagland. This is filed herewith.

Q Did you know Stephen Foreman? A Yes, sir.

Q And his wife, Christiana? A Yes, sir.

Q Do you know that they lived together as husband and wife? A Yes, sir, I married their daughter.

Q You do not know whether Stephen Foreman was readmitted to citizenship after he returned from Tennessee? A No, sir, I do not.

Q Have you letter of guardianship for these children? A Yes, sir.

Q How old would Stephen Foreman be if he were living now? A Sixty some odd.

Com'r:--The applicant exhibits letters of guardianship signed by the Clerk of the Northern Judicial District, Indian Territory, under date of August 23, 1900, authorizing him to discharge the duties of guardian for the children named in this application. The letters of guardianship are returned to him.

Q Are these children all living in the Cherokee Nation now? A Yes, sir.

Q Have they been living in the Cherokee Nation ever since their return from Tennessee? A Yes, sir.

Q What was he doing up there in Tennessee? A Indian Doctor.

Q He made his home there for ten years? A Yes, sir.

Q He left here before he was married? A Yes, sir.

Q He left here evidently in 1883? A Yes, sir.

Q And about two years after he got to Tennessee he married? A Yes, sir.

Q Where did he make his home up there? A In Chattanooga.

1880 Roll; page 724, #1317, Houston Teehe, Tahlequah.

1896 Roll; page 1252, #3298, Houston Teehe, Tahlequah.

1896 Roll; page 1166, #976, Susie A. E. Foreman, Tahlequah.

1896 Roll; page 1166, #977, John D. R. Foreman, Tahlequah.

1896 Roll; page 1166, #978, Nellie M. Foreman, Tahlequah.

1896 Roll; page 1166, #979, Frank S. Foreman, Tahlequah.

1880 Roll; page 758, #709A, Stephen Foreman, Tahlequah.

Q Was Christiana, his wife, married in 1896, has she married Ross then? A No, sir.

1896 Roll; page 1279, #71, Christine Foreman, Tahlequah.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and four orphan children, for whom he shows letters of guardianship. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

The four children named in the testimony, whose deceased father was Stephen Foreman and whose deceased mother was Christiana Foreman, are all identified on the roll of 1896. They are living and are minors. The father of these children is identified on the roll of 1880 as a native Cherokee. After that enrollment he is said to have left the Cherokee Nation, apparently in the year 1883, and to have been absent in Tennessee, his former home, for ten years. It is indicated by the official evidence of the marriage license filed herewith, that he married his deceased wife in Tennessee, in 1885. It appears that he did not return to the Cherokee Nation until 1893, at which time he brought his wife and their three older children, the youngest child being born in the Cherokee Nation after his return.

Houston B. Yehon.--2.

The father of these children is stated to have died in 1893. It does not appear that he was ever readmitted to citizenship by the Cherokee Commission or Council. The three elder children mentioned were born in the State of Tennessee and they have continued to live in the Cherokee Nation since their father brought them here in 1893. Their mother continued to live in the Cherokee Nation from the same time until her death within the present year. These children are identified on the roll of 1896 with their deceased mother. They will all now be placed classed as a Cherokee by blood upon a doubtful card to await evidence of the readmission of the father to citizenship by the Cherokee Commission, or in the failure of that evidence, to consider their status under the conditions as stated and set forth in the testimony.

--00000000--

J. O. Hesson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Hesson

Subscribed and sworn to before me this 6th day of December, 1900.

W. H. H. H.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 17 1901

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 19th, 1900.

IN THE MATTER OF THE ENROLLMENT OF Susan E. Foreman et al.
James S. Stapler, being sworn and examined by Commissioner, C. R.
Breckinridge, testified as follows:

- Q Give me your full name? A James S. Stapler.
Q What is your Postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation?
A About forty five years.

By Mr. W. W. Hastings, Cherokee Representative:

Q You want to make a statement in the case of Stephen Foreman: Did you know him? A Yes sir. I knew him; have known him for twenty years: I always knew him as a Cherokee, and the statement that I particularly wish to make is in regard to his leaving this country.

He went away from this country in quest of some hidden treasure that was said to be in Georgia or Alabama: I particularly remember that he was fitting up a boat, intending to make this trip by River, and in fitting up this boat, he visited the store many times, and I had a good deal of conversation with him: I was interested in the matter, and his idea was simply to make this trip and see if he could discover this treasure, and return to the Nation.

Q How long did he stay away? A About six or eight years. I think after he went: Of course why that was I do not know: After he went away I made enquiry of him to a man named Judge Shirley, who had letters from him various times, and his intention always seemed to be to return, and the last I had any knowledge of him, he was very sick, and was sick for quite a long time; some chronic disease I think.

Q He returned here afterwards? A Yes sir.

Q In the mean time he married there in Tennessee?

A Yes sir; so I understood.

Q How long did he live here after he came back? A I think he was here about four years; three or four years, something like that: I can not state exactly.

Q How long since he died? A About two years I think; in that neighborhood.

Q He is said to have died in 1895? A I can not remember exactly. After he came back, I did not pay so much attention to him: It was more that boat expedition that ~~attracted~~ attracted my attention: He was trading at the store and talked to me about it.

Q The question is whether he needed to be readmitted to citizenship: Was he allowed to exercise all the immunities of Cherokee citizenship after his return?

A I can not say as to that. I know he did before.

Q His status before he went away was perfectly straight? A Yes sir.

Q The whole question is, since he came back?

A In going away, he gave me to understand that he did not intend to stay.

Q Did he leave any property back here? A No sir, he did not.

Com'r. C. R. Breckinridge:

Q All of his property was at the end of a rainbow, was it?

A I do not know that he had much property.

Q Do you know what he did up there: Did he engage in regular business there? A I do not know.

Q He was a visionary kind of a man, was he? A That was my idea of him.

Robert P. Ross, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give your full name? A Robert P. Ross.

Q What is your Postoffice? A Parkhill.

~~Q How long have you lived in the Cherokee Nation?~~

Q How long have you lived in the Cherokee Nation?

- A Fifty five years.
- Q Did you know Stephen Foreman? A Yes sir.
- Q He was the father of Susan, John, Nellie and Frank, was he?
- A I am not acquainted with his children.
- Q Was he the husband of Christianna Foreman? A Yes sir.
- Q Now it seems that some time after the year 1880, Stephen Foreman went to Tennessee? A Yes sir.
- Q And stayed there a number of years? A Yes sir.
- Q And when he came back to the Cherokee nation, he was not readmitted to Cherokee citizenship, and he died before the roll of 1896 was made? His wife, Christianna was a white woman, was she?
- A Yes sir.
- Q Do you know anything about this stay that Stephen Foreman made in Tennessee that would show whether he needed to be readmitted after he came back here.
- A My information is so nothing on the line of Mr. Stapler's: He was living with me at the time he left here: I was running a saw mill at that time, and he was my engineer: He had very clearly explained of this hidden treasure, or lost mine in Tennessee somewhere: He fitted up his bark right from my place to go down the river: He went in company with another man named Proctor: He was a man that did not have very much, and he made his home with his brother in law, L. W. Shirley when he was not with me: He made his home where he was employed to work. He came back here a short time before moving his family out: He came to my house to see me and make arrangements to bring his family, and he told me he had quite a hard spell of sickness, and at the very earliest moment he could get in shape to move his family, he moved them: He did not do like he ever intended to make his home there.
- Q You know his wife after they came back? A Yes sir.
- Q They lived together regularly as man and wife? A Yes sir.
- Q Did you ever hear of his being married except to her? A No sir.
- Q Did you ever hear of her being married except to him? A
- A I understood she was a widow.
- Q Do you know whether her former husband was dead or not?
- A No sir, not of my personal knowledge.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of January, 1901.

[Signature]
COMMISSIONER.

D. 297

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 27 1901

[Signature]
ACTING CHAIRMAN

S U P P L E M E N T A L T E S T I M O N Y .

D #497.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MEMPHIS, I. T., FEBRUARY 12th, 1901.

IN THE MATTER OF THE ENROLLMENT OF SUSAN A. E. FOREMAN ET AL, *D* CARD NUMBER 897.

George W. Benge, being sworn and examined by Commissioner, C. R. Frackinridge, testified as follows:

Q Give your full name? A George W. Benge.

Q How old are you? A About forty-eight.

Q What is your Postoffice? A Tahlequah.

Q Do you live in Tahlequah District? A Yes sir.

Q Mr. Benge, you want to give some testimony in regard to the application for enrollment of four orphan children named Foreman, do you not? A Yes sir, I promised the guardian to come here and tell you what I knew about the father of these children; I don't know anything about the children.

Q These are the children for whom Houston Benge Teehee is now guardian? A Yes sir.

Q They are the children of Stephen Foreman? A Said to be, yes sir.

Q The trouble with their case appears from the testimony already taken that there is no evidence of the father having been readmitted to citizenship after his return from Tennessee? A Yes sir.

Q Can you supply that gap in any way?

A I can make my statement relative to that point.

Q Very well; what have you to say about it?

A I think it must have been in 1885; I think it was - about that time - he went from this country to Tennessee on a prospecting tour, so he related to me and he was gone - gone until about '93.

Q About ten years? A Yes sir; something like that, and when he came back, I happened to be a member of council; there was a census being taken of the Cherokees, and by some means he was not enrolled by the census enumerators. The question was brought up before the house as to whether there was a necessity for readmission, and as well as I remember he was simply placed on the pay roll as a member of the Cherokees; that was in the opinion of the members instead of deeming it necessary to readmission, as well as I remember.

Q As well as you can remember it was not deemed necessary to readmit him? A Yes sir, from the statements of his own he had went on a prospective tour to hunt lost treasure, as he stated, and tried to get some one to go with him; he went out there and found him a wife, according to his statement - he found him a wife out there and married and that delayed his returning more than otherwise he might have returned.

Q He married in Tennessee? A Yes sir, that is the supposition.

Q To a white woman, was she? A Yes sir, a Swede I think. That is about all I know of the matter.

Q What was his business? A Why, he was a man that would take hold of almost anything for a livelihood; just before he left here, he was fishing.

Q For a living? A Yes sir; the last time I talked to him was at Ft. Gibson at the River.

Q He never practiced medicine, did he? A Yes sir; he practiced medicine - Indian remedies; his father was said to be one of the best doctors in the country.

Q Did he not settle down there in Tennessee and engage in the practice of medicine? A I can not say.

Q All you know is that he stayed about ten years? A Yes sir, that is all.

EX-1000.

—2—

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens

Subscribed and sworn to before me this 13th day of February, 1901.

W. H. H. H.

COMMISSIONER.

The agent for the applicant and the representative of the
Commission present submit the case, same is deemed completed
and will be reported to the Commission for final decision based upon
the evidence now of record.

The agent for the applicants requests and will be granted
fifteen days in which to file brief in this case, one copy with the
Commission, and one copy with the representative of the interested
Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

RECEIVED

SEP 18 1905

887

B.

C. D-897.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Houston B. Teehe for the enrollment of Susan A. E. Foreman and her brothers and sister as citizens of the Cherokee Nation

Houston B. Teehe was notified by registered letter February 20, 1902, that his application for the enrollment of the above named persons would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and on said date the cause was continued by agreement to the 22nd day of March, 1902. The same being this date, to-wit: the 22nd day of March, 1902, called, Houston B. Teehe appears in person.

BY COMMISSION OF MR. TEEHE: Do you want to make any further statement about the case. A /

A. That part of it that relates to the marriage.

MR. HOUSTON B. TEEHE, being first duly sworn, and being examined testified as follows:

Q What is your name? A Houston B. Teehe.
Q How old are you? A Twenty-seven years old.
A What is your post office address? A Tahlequah.
Q You have heretofore applied to the Commission for the enrollment of Susan A. E. Foreman, and her brothers and sister as citizens of the Cherokee Nation? A Yes sir.
Q Do you want to make any further statement relative to your application?
A Yes, the part that relates to the marriage, I want to introduce one witness.

MAMIE AGUSTA TEEHE, being first duly sworn, and being examined, testified as follows:

MR. TEEHE:
BY EXAMINER: What is your name? A Mamie Augusta Teehe.
Q What is your age? A Twenty-four.
Q What is your post office address? A Tahlequah.
Q Are you acquainted with the applicants in this case? A Yes.
Q Were you acquainted with their parents? A Yes sir.
Q Do you know anything about the marriage of the parents of these children? A Yes sir.
Q Were you present? A Yes sir.
Q By whom were they married? A By a minister.
Q What was his name? A I don't know.
Q Did they continue to live together up to the time of the death of one of them. A Yes sir.
Q Do you know when they were married? A In 1885.

MR. HASTINGS: You are a half sister of these children? A Yes sir.

BY COMMISSION OF MR. TEEHE: In behalf of the applicants you submit the case to the Commission for final decision, do you?
A. Yes sir.

The agent for the applicant and the representative of the Cherokee Nation present at the case, when the record is completed and will be reported to the Commission for final decision based upon the evidence now on record.

The agent for the applicant requests and will be granted adjournment in which to file brief in this case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

5
728
I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Brief "D. 897"

MAR 15 1900

George Atty
for Applicant

AT MUSCOGEE I, T. MARCH 28th 1902.

In the matter of the application of Houston B. Tate, in behalf of the minor children of Stephen Foreman and Christiana Foreman, now "deceased", Vizi Susan A, Elizabeth, John D, R, Willie M, and Frank Foreman, for their enrolment as Cherokee Citizens by virtue of cherokee blood.

" D 897 "

The contention of Houston B. Tsee, in behalf of the above named minors are, That they are the children of Stephen and Christiana Foreman, by a legal Marriage between them according to the laws of the State of Tennessee. That Stephen Foreman was a recognized Cherokee citizen by blood, and entitled to all the rights and immunities as other citizens of the nation, by virtue of his Cherokee blood, and thereby, The Child-dree by said Marriage having also been recognized by the authorities of the Cherokee Nation, as will be seen by reference to the pay roll of 1884, and farther, the roll of 1896, upon which, the Citizens recognized by the Cherokee Nation are thereon, Having thus been recognized and treated by the Cherokee Nation, Should now be so recognized by the honorable Commission, as such citizens by blood.

Second, Because they, as well as their Father and Mother have been so recognized by the said Nation, notwithstanding the fact that was common to all, of his visit, sojourn, and Marriage in the State of Tennessee, That immediately after his return to the Nation with his Family, He was, with his said family, recognized, accepted and enrolled as above stated.

THIRD, That Stephen Foreman was a Cherokee citizen there is no question, That by his act, or the mere fact of his going in to the State of Tennessee, his rights to the exercise of Cherokee Citizenship, was not affected thereby, As is contemplated by the first Article, second Section of the Constitution of the Cherokee Nation, which is as follows; XXXXXXXXXXXXXXX

* And that, whenever any citizen shall remove with his ~~effects~~ effects out of the limits of this Nation, and becomes a Citizen of any other Government, all his rights ~~as a Citizen~~

and privileges as a citizen of this Nation shall cease, PROVIDED
NEVERTHELESS, That the National Council shall have power to readmit,"
XXXXXXXXXXXXXXXXXXXXX is evidenced by the fact , That the Cherokee
authorities received him and enrolled him together with his family,
as aforesaid, And that it is apparent, That the said authorities
of the Nation considered his case as one, Not coming under the head,
As to be affected by the conditions of that clause of the constitution
herein quoted, And the farther reason, from the testimony in the
case, That his purpose to visit the State of Tennessee was made known
to his intimate friends, His objective purpose as therein stated,
would indicate a temporary trip out of the Nation, And farther, it is
plain that he did not remove with his effects out of the limits of
this Nation, That he did not become a citizen of any other Government,

Therefore, it is necessary to
accomplish each act, The removal as defined, and becoming a citizen of
another Government, each of which a person must do before he is affect-
ed , so as to loose his right, neither of which, Stephen Foreman did,
Nor did he, or the National Council deem it necessary under the circum-
stances that he memorialize the National Council, to be readmitted,
But as aforesaid and cognizant of the facts of his case, was received
and enrolled as a citizen of the Nation, as entitled to be thereon,
Hence, if Stephen Foreman was a Cherokee Citizen by virtue of his Che-
-rokee blood, and that his right to citizenship was not affected by
his visit to, and Marriage in the State of Tennessee, and that the
said Children were his in consequence of said marriage to Christiana
Foreman, Then the said Children should, as heretofore, Now be accep-
-ted and listed for enrolment as Cherokee Citizens by virtue of
Cherokee Blood.

Respectfully Submitted.

George
.....

Attorney For Applicants.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application for the enrollment of Susan A. E., John D. E., Nellie M. and Frank Foreman as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 6, 1900, Houston B. Tehee appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of the minor children, Susan A. E., John D. E., Nellie M. and Frank Foreman as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900, and at Muskogee, Indian Territory, on February 12, 1901, and on March 22, 1902. Houston B. Tehee is differently classified and is not embraced in this decision.

The evidence shows that the said Susan A. E., John D. E., Nellie M. and Frank Foreman are the minor children of Stephen Foreman, deceased, a Cherokee by blood, who is identified on the 1896 authenticated tribal roll of the Cherokee Nation as a native Cherokee. It further appears that the said Stephen Foreman was lawfully married about the year 1885 to Christiana Hagland, and that the applicants herein are the issue of that marriage. The minor children herein applied for are identified on the 1896 census roll of the Cherokee Nation as Cherokees by blood, and their deceased mother is identified on that roll.

It further appears that the said Stephen Foreman was absent from the Cherokee Nation and Indian Territory, from 1883 to 1893; that said absence appears to have been of a temporary nature; that in 1893 he returned to the Cherokee Nation, bringing his family with him at that time; that he resided in said Nation from 1893 until his death in 1895; that his said wife resided in said Nation from 1893 until her death in 1900; that the children herein applied for resided with their parents until the death of their father, and with their mother until her death, and that they were residents of said Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Susan A. E., John D. E., Nellie M. and Frank Foreman should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Clerk.

Muskogee, Indian Territory,

this NOV 12 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D - 898.

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision rejecting the application of John Catron for the enrollment of his wife, Emma Catron, as a citizen by intermarriage, and granting his application for the enrollment of his eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood of the Cherokee Nation, a copy of which decision was furnished you on September 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman
Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 897.

Muskogee, Indian Territory, November 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, granting the application of Houston B. Teece for the enrollment of Susan A. E., John D. E., Nellie M. and Frank Foreman, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Commissioner in Charge

Acting Chairman

Enclosure H. No. 11.

Cher D 898

Cher D 898

JOHN GATSON et al 2

Q Was your first wife living when you married her? A Yes sir, but she is now married.
 Q Did you have a divorce from her? A No sir, I don't know what a divorce was.
 Q You and her separated then did you? A Yes sir, a good while before I took a new woman, three or four years.
 Q But then you ought to have had a divorce from her? A She died and married, and I thought I had the same privilege after she died and married.
 Q You married her present wife in 1887? A Yes sir.
 Q Are you her first husband? A Yes sir.
 Q Was your first wife white woman or an Indian? A She was an Indian.
 Q Were you regularly married to her, or just merely taking up with her? A I don't know what it was.
 Q Well, you have got to now if you want to legalize it in law and children? A Yes, or was married about the same as this one.
 Q Was you married by a minister or another of that kind?
 A The judge married us.
 Q That judge married you? A Hendricks I think, and it is on the record there?
 Q You have got no certificate of marriage to your first wife?
 A No sir. Just the same as this one; now I got no certificate.

JOHN GATSON, being sworn and examined by the District Attorney, testified as follows:

Q What is your name? A John Gatson.
 Q What is your age? A 40.
 Q What is your place of birth? A Chicago, Ill.
 Q Do you know John Gatson? A Yes sir.
 Q You know his wife Anne? A Yes sir.
 Q Was Anne ever married before? A Yes sir, they were;
 I will tell them, - went with them to the Judge when they got married.
 Q You and Anne married? A Yes sir.
 Q They have been living ever since continuously as man and wife since that? A Yes sir.
 Q You have known them ever since 1887? A Yes sir, they were together since I knowed anything.
 Q They have been living together all the time as man and wife?
 A Yes sir, as far as I know, they have.
 Q So considered among the neighbors, as man and wife? A Yes sir.

APPROXIMATE TESTIMONY:

Q When were you first married? A I was about 12 or 13 or 14, just a kid.
 Q When was it, about? A I don't recollect what day.
 Q Do you recollect about what year? A No sir.
 Q How long was it before you married your second wife?
 About four or five years, maybe longer than that; I don't know exactly.

GEORGE HUGH, being sworn and examined by the District Attorney, testified as follows:

Q What is your name? A George Hugh.
 Q What is your age? A 51.
 Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
 Q You know John Gatson? A Yes sir.
 Q You know his wife Anne and children? A Yes sir.
 Q Have they always been recognized citizens of the Cherokee Nation? A Yes sir, John Gatson is my sister's son.

John Catron et al.

Q His family by his present wife has always been recognized as Cherokee citizens have they? A His wife wasn't; she was a white woman.

Q No, but his family by her? A Yes sir.

Q Would his wife be recognized as a citizen by a white man? A Any white man I guess.

Q Catron is a good citizen of the Cherokee Nation is he? A Yes sir.

Q By blood? A Yes sir, by blood.

Q You are one of the witnesses for the Cherokee Nation?

A Yes sir.

Q Looking after the interests of the Cherokee Nation by the appointment of the Cherokee Commission? A Yes sir.

Q You knew his first wife, or the one as he was living with as his first wife? A Yes sir.

Q What do you know about her? A They parted, I suppose before he married this as on several years.

Q They had been parted several years before he married the woman? A Yes sir, and she married a man named Tom Catron.

Q Did she marry her second Catron? A I don't remember the time, but I don't think the time was much difference; she is dead now.

Q How long did they live together? A They didn't live together I don't think over a year; she was a full-blood.

Q Was it the custom in those days in cases of that kind for people not to get a divorce, and remarry? A Yes sir, they went to preach as or members of the judge and married.

Q Never got any certificates of marriage? A No sir.

Q John Catron has been living with his present wife ever since he married her? A Yes sir.

Q And raised this family? A Yes sir, he has got two or three girls about grown.

Q He is a valiant, a good, reliable citizen of the Cherokee Nation? A Yes sir, he is a hard-working man.

1894 roll page 1032 #463 John Catron Cherokee Nation

1894 roll page 1032 #464 Phoebe Catron "

1894 roll page 1032 #465 Margaret Catron "

1894 roll page 1032 #466 Lafayette Catron "

1894 roll page 1032 #467 George Catron "

1894 roll page 1032 #468 Thomas Catron "

Gov. Haskell. The name of John Catron is found upon the enrollment roll of 1894 as well as the census roll of 1896, and he will be duly treated for enrollment as a citizen by blood.

The name of his wife Phoebe is found upon the census roll of 1896, and he enters an affidavit of her in a case to her, she being a non-citizen, her name having been on the Forest, in the year 1893; her name is found upon the census roll of 1896; he avers that by her he has eight children, named Phoebe, Maggie, Margaret, Thomas, Thomas and David A., whose names appear upon the census roll of 1896; the name of the applicant and said children are also found upon the pay roll of 1894, with the exception of David A., who avers that he has two children, Ole and Nina, who were born since the census roll of 1894 was compiled; he has no other children, and he presents no satisfactory proof as to their birth; they make satisfactory proof as to residence, and as to marriage; the applicant although a free citizen by blood, avers that he was formerly married, and he never presented a divorce from his first wife, not deeming it necessary, she having since married a second man herself; this wife was a Cherokee citizen by blood, and is now dead. By reason of no proof of divorce being presented, final judgment as to the enrollment of his wife Phoebe Forest as an int married citizen, and his children as enumerated herein, as citizens by blood, will be suspended, and their names will be placed upon a doubtful list.

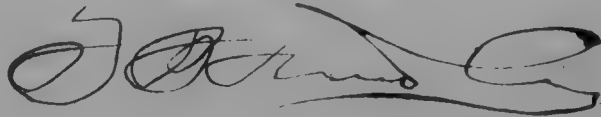
John Satron et al # 4

It is all the necessary for his aim to present satisfactory proof of birth as to the two children Oia and Atia.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this December 4, 1900.



Commissioner.

Supl.-C.D.#298.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. ? March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of NEMA CATRON,
ET AL., as citizens of the Cherokee Nation;

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. On said date she might appear before the Commission either in person or by attorney when an opportunity would be given her to introduce any additional testimony affecting her application. On the 12th day of March, 1902, the case was continued by agreement to March 24, 1902. Receipt has been acknowledged of Commission's letter, and Applicant having this day, the 24th day of March, 1902, been called and failing to respond either in person or by attorney, it is deemed that the testimony in this case is now completed and will be reported to the Commission for final decision.

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I, J. O. Reasen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reasen

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Catron as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Phoebe, Maggie, Lafayette, George, Thomas, and Maud B. Catron and Etta Catron as citizens by blood for the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, John Catron appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Emma Catron as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 14, 1902. The application included John Catron, but he is differently classified, and is not embraced in this decision.

The evidence shows that the said Emma Catron was married in the year 1883 to John Catron, a citizen by blood of the Cherokee Nation. No certificate of this marriage is filed, but the same is established by personal testimony. It further appears that John Catron had been previously married, and had not been divorced from his first wife at the date of his marriage to Emma, and that his first wife was living at that date. Emma Catron is a white woman, and is identified on the 1896 Census Roll of the Cherokee Nation.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Compiled Laws of the Cherokee Nation (1875) page 230, Sec. 94, provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living." and said Compiled Laws, page 231, Sec. 99 provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife when living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings; provided, that the issue from such unlawful marriage shall nevertheless be legitimate."

The minor children, Phoebe, Maggie, Lafayette, George, Thomas, and Maud B. Catron are identified on the Cherokee Census Roll of 1896. The minor children, Ola and Etta Catron are too young to be upon any tribal roll of the Cherokee Nation, but are identified by affidavits of birth on file with this Commission.

It further appears that Emma Catron has resided with John Catron in the Cherokee Nation since 1883, and the residence of the minor children herein applied for is presumed to be that of their parents.

It is, therefore, the opinion of this Commission that the application for the enrollment of Emma Catron as a citizen by intermarriage of the Cherokee Nation should be denied; that Phoebe Catron, Maggie Catron, Lafayette Catron, George Catron, Thomas Catron, Maud B. Catron, Ola Catron and Etta Catron should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of

Chapter 2, sec.
Section twenty-one of the Act of Congress, approved June 25, 1900
(30 Stat., 694), and it is so ordered.

SUBMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.


COMMISSIONER.

Muskogee, Indian Territory.

this SEP 20 1902

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COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. LEESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 898.

ADDRESS IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, denying the application of John Catron for the enrollment of his wife, Emma Catron, as a citizen by intermarriage, and granting his application for the enrollment of his eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 94.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 898.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated September 20, 1902, rejecting the application of Emma Catron for the enrollment of herself as a citizen by intermarriage, and granting her application for the enrollment of her eight minor children, Phoebe, Maggie, Lafayette, George, Thomas, Maud B., Ola and Etta Catron, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 28, 1902.

Respectfully,


Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Emma Catron is at

FOR ENROLLMENT AS

CHEROKEE

A Original testimony of 12/6/00.

8 Memo of Application of 12/6/00.

C. Rich Certificate of Oka Catron,
S. M. P. t.

Birth certificate of Etta Catron.

6 Notice of final consideration, 3/13/02

James M. McPherson

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See Cherokee jacket 6179

Cher D 899

Cher D 899

D 899

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC. 6 1900

Acting Chairman

DOUBTFUL, as to Applicant's wife, ELIA HAIL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLAHASSEE, FLA., DECEMBER 6th, 1900.

In the matter of the application of Joseph L. Hail for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Hail being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Joseph L. Hail.
Q How old are you? A I am between 48 and 50.
Q What is your post office? A Dora, Arkansas.
Q In what district do you live? A I live in Sequoyah.
Q Who is it you want to enroll, yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children? A Four.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee or white woman? A White woman.
Q How long have you lived in the Cherokee nation? No response.
(Applicant hands paper to Com'r.)

Com'r:--The applicant presents an official of the records of the Cherokee Commission on Citizenship showing that on the 31st of October, 1888, Joseph L. Hail was admitted to Citizenship by the Commission as a Cherokee by blood. This is filed herewith.

Q Have you lived in the Cherokee Nation ever since you were admitted in 1888? A Yes, sir.

Q Give me the name of your wife? A Elia.

Q How old is she? A 33.

Q When did you marry her? A I married her in about '66 I think.

Q Were you ever married except to her? A Yes, sir.

Q How often were you married before you married her? A Once.

Q Was that wife dead when you married this wife? A Yes, sir.

Q Was your wife, Elia, ever married except to you? A No, sir.

Q Is she living with you and has she lived with you ever since she married you? A Yes, sir.

Q Have you a certificate of your marriage? A No, sir.

Q Have you anyone here who knows that you have lived together as husband and wife? A My brother and I have a cousin here.

JOHN P. HAIL, being sworn and examined testified as follows:

Q Give me your full name? A John P. Hail.

Q How old are you? A I am 51 years old.

Q What is your post office? A Gideon, Indian Territory.

Q How long have you lived in the Cherokee Nation? A Five years.

Q ~~Marriage~~ Are you a brother of this man, Joseph L. Hail? A No, sir, cousin.

Q Is a married man is he? A Yes, sir.

Q What is his wife's given name? A Eller, I believe.

Q Been married before was not he? A I think so, I have only his word for it.

Q Was his former wife dead when he married this wife? A Yes, sir.

Q You have always understood that? A Yes, sir.

Q Were you present at his marriage to this wife? A No, sir.

Q Where did he marry his present wife? A Well, I am not able to say where.

Q Do you know when he married her? A No, sir, I could not tell you the date, I do not think I could.

Q You were not living close to him at that time were you? A No, sir.

Q They have some children have they? A Yes, sir.

Q How many children have they got? A They had two when I knew them, I think he says they have four now. I think that they had two four years ago they were up to my house.

Q Are these children considered the children of this marriage? A Yes, sir.

Q You never heard of his wife being married before? A No, sir.

Joseph L. Nail--2.

Joseph L. Nail, The applicant, further testified:

Q Where were you married Mr. Nail? A Near Dora, Arkansas.
Q Married by a preacher in regular form? A Yes, sir.
Q You were not remarried after you were admitted to citizenship?
A No, sir.
Q Give me the names of your children, please? A Zula L.
Q How old is that child? A She is about 11 years old.
Q The next child? A George Bealy.
Q How old is that child? A He is about eight I reckon.
Q Now, the next child? A Bessie May.
Q How old is that child? A She is about five.
Q Now, the next child--Alla Lavada? A Yes, sir.
Q This child is two years old, that right? A I believe so.
Q Are these children living now? A Yes, sir.
Q They are all children of your present wife are they? A Yes,
sir.

1891 Roll; page 1074, #712, Joseph L. Nail Sequoyah.
1896 Roll; page 1114, #82, Alla Nail, "
1896 Roll; page 1074, #712, Zula Nail, "
1896 Roll; page 1074, #314, George B. Nail, "
1896 Roll; page 1074, #715, Bessie May Nail, "

Sam'l Brockbridge:--The applicant applies for the enrollment of himself, his wife and four children. He is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship, the official evidence of which is filed herewith, in October, 1898 as a Cherokee by blood. He is identified on the roll of 1896. He states that he has lived in the Cherokee Nation ever since his admission and he will now be listed for enrollment as a Cherokee by blood. He states that he and his wife were married in Arkansas in 1886. He was once previously married but his former wife was dead when he married his present wife. He states that his present wife was never previously married, and that she has lived with him ever since their marriage. This evidence is substantiated by a cousin whose testimony is inaugurated. She is identified with her husband and children on the roll of 1896, the oldest of whom is there given as 7 years of age and is not 11 years of age. She will now be listed for enrollment as a Cherokee by adoption, but upon a doubtful card in order to consider the question raised in such cases by the Cherokee Representatives, of her right to citizenship, inasmuch as she was not remarried to her husband after his admission to Citizenship. Of the four children named, the first three are identified with their parents on the roll of 1896. They are living now and will be listed for enrollment as Cherokees by blood. When the Commission is supplied with a proper certificate of the birth of the youngest child, Alla L., this child also will be listed for enrollment as a Cherokee by blood.

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J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Benson

Subscribed and sworn to before me this 6th day of December, 1900.

[Signature]

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of **ELLA HAIL**
as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Applicant this day, to-wit: the 11th day of March, 1902, appears in person and requests that his case be taken up for consideration, and the same is agreed to by the representative of the Cherokee Nation present.

Mr. W. W. Hastings, Cherokee Representative, present.

Commission: There is offered in evidence by the applicant a certificate signed by J. G. N. Spear, certifying that as Minister of the Gospel he solemnized the rites of matrimony on the 17th day of July, 1887, in the Cherokee Nation, between Joseph L. Hail and Miss Ella Williams.

JOSEPH L. HAIL, being duly sworn, testified as follows on part of applicant:
COMMISSION:

- Q What is your name? A Joseph L. Hail.
Q How old are you? A 49.
Q Your post office address? A Dora, Arkansas.
Q You are the husband of the applicant, Ella Hail? A Yes, sir.
Q Were you ever married before you married her? A Yes, sir.
Q Was your first wife dead when you married her? A Yes, sir.
Q Was your present wife ever married before she married you?
A No, sir.
Q You and she have lived together continuously since your marriage?
A Yes, sir.
Q And are living together at this time? A Yes, sir.
Q You have always lived in the Cherokee Nation, since your admission to citizenship? A Yes, sir.
Q Living here at the present time? A Yes, sir.
Q Is there any statement you desire to make relative to the enrollment of your present wife? A I haven't any.
Q You submit the case to the final consideration of the Commission?
A I do.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is ~~now~~ considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

---00000000---
I, J. O. Rossen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rossen
Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ella Nail as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, Joseph L. Nail appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Ella Nail as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Ella Nail lawfully married on July 27, 1887, Joseph L. Nail, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on October 31, 1888.

The Cherokee Supreme Court in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. E. A. Dawson held, that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The said Ella Nail is identified on the 1890 Census Roll of the Cherokee Nation.

The evidence further shows that the said Ella Nail has lived with her husband in the Cherokee Nation since his admission to citizenship, and that she was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Ella Nail should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 19 1902.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, October 9th, 1902.

In the matter of the application of Ella Florence Hail for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-100.

ELLA FLORENCE HALL, being duly sworn, testified as follows:--

Examination by the Commission.

- Q. What is your name? A. Ella Florence Hall.
Q. How do you want to be enrolled? A. Full name.
Q. Ella Florence Hall? A. Yes, sir.
Q. How old are you? A. 34.
Q. What is your post office? A. Dora, Arkansas.
Q. Are you a white woman? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of your husband? A. J. L. Hall.
Q. Is he a Cherokee by blood? A. Yes, sir.
Q. When were you married to him? A. We were married July 27th, 1887.
Q. Are you his first wife? A. No, sir.
Q. He was married before he married you? A. Yes, sir.
Q. Was his first wife dead when you and he were married?
A. Yes, sir.
Q. How long before? A. About six years.
Q. Were you ever married before? A. No, sir.
Q. He is your first husband? A. Yes, sir.
Q. Have you and your husband lived in the Cherokee Nation ever since you were married? A. Ever since, except the first year.
Q. Where were you the first year? A. Right there on the line.
Q. Since that time you have been living in the Cherokee Nation?
A. Yes, sir.
Q. Made your home there? A. Yes, sir; the last 14 years.
Q. Were you living together on the first of last September?
A. Yes, sir.
Q. Never been separated, have you? A. No, sir.
Q. Have you any children? A. We have five.
Q. Have they been enrolled? A. Yes sir.
Q. Are they all living? A. Yes, sir.
Q. Your husband is living? A. Yes, sir.

— — — — —

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

Notary Public.

COMMISSIONERS
HENRY L. DAVIS
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRICKKIRKIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 899.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Joseph L. Hail for the enrollment of his wife, Ella Hail, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 12.

IN THE MATTER OF THE APPLICATION OF

Ellen Fair

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony of 12/6/00

B. Memo. of application of 12/6/00

C. Notice of final consideration, 3/12/01

D. Certified copy of marriage certificate

E. Supp. & order during test 3/14/01

F. [illegible]

G. [illegible]

H. [illegible]

I. [illegible]

J. [illegible]

K. [illegible]

L. [illegible]

M. [illegible]

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC. 9 1900


ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 6, 1906.

In the matter of the application of William Harnage for the enrollment of three orphan children, ~~XXXXXX~~ HARNAGE, JAMES AND SABINA BACON, as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A William Harnage.
Q What is your age? A 49.
Q What is your post-office address? A Muskogee.
Q Are you a citizen of the Cherokee nation? A Yes sir.
Q Who do you apply to have enrolled? A The children of Sabina Bacon.
Q Irena one of them? A Yes sir.
Q How old is she? A She is about 21.
Q These two oldest ones are married; they have been married in Texas a couple of years.
Q Who do you want to apply for? A Harnage and Sabina and Jim.
Q Harnage Bacon? A Yes sir.
Q How old is Harnage? A About 14 or 15.
Q What is the name of the next one? A James.
Q How old is he? A Must be about 12.
Q What is the name of the next one? A Sabina.
Q She is a girl, about nine years old?
Q What is the name of the father of these children? A Dana Bacon.
Q Is he living? A Yes sir.
Q Where does he live? A He lives in Texas.
Q What is the name of their mother? A Sabina.
Q Is she living? A No sir, she is dead.
Cotter: The applicant presents certified copy of certificate of admission issued from the office of the commission on citizenship Tahlequah May 19 1887, signed by J.T. Adair Chairman of the Commission, John M. Gunter and D.W. Lile, Commissioners, Henry Hiffert Clerk of the Commission; the correctness of the copy certified to by H.W. Alberty, Assistant executive secretary of the Cherokee Nation, under the seal of the Cherokee Nation, certifying that Sabina Bacon and Harnage Bacon, their son, were re-enrolled to all the rights of Cherokee citizenship on the 21st day of May 1887.
Q When did Sabina Bacon, the mother of these children, come to the Cherokee nation? A She never did.
Q Never did? A No sir.
Q Where were these children born? A They were born in Texas.
Q Have they always lived in Texas? A They came here the spring of the Strip payment, and drew their Strip money, and their father bought them a place in Cooverseconawee District, and he took them back and sent them to school.
Q They are there now? A Yes sir.
Q Their father and mother never were actual residents of the Cherokee Nation? A No sir.
Q The first time, as I understand, that they ever came to the Cherokee Nation was the time of the Strip Payment? A Yes sir, the spring before the Strip payment.
Q Their father living? A Yes sir.
Q What is the post-office address of these children? A Overton, Texas.
Q Sabina Bacon, their mother, never established her citizenship in the Cherokee Nation by residence? A No sir.
Q Are they on the roll of 1896, do you know? A No sir, I don't believe they are.
1896 roll examined and none of children not found;

Wm. Harnage for Bacon children 2

1894 roll page 10 #223 Harnage Bacon Canadian District

1894 roll page 10 #224 as Jennie Bacon

1894 roll page 10 #225 as Sinta Bacon

Q Did their father, Dana Bacon, apply to the Commission for the enrollment of these children? A No sir, and that I know of.

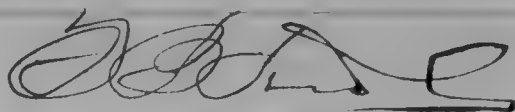
Q These children are all living at this time? A Yes sir, they were about a month ago.

Com'r Needles. The name of Harnage and James and Sabina Bacon are not found upon the census roll of 1896; their mother, Sabina Bacon, and the oldest child, Harnage, were admitted to Cherokee citizenship in the year 1897, the certificate of admission being more fully described in the testimony; the testimony shows that these children were born in the State of Texas; their mother never acquired absolute citizenship by residence, having never resided in the Indian Territory after the time of her admission, and the only time that these said children for whom application is made were ever in the Indian Territory was when they applied for their 1894 payment, and their names appear upon the pay roll of 1894; they are duly identified, and by reason of the facts mentioned in the testimony, final judgment as to the enrollment of said children will be suspended and their names will be placed upon a doubtful card.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

H.D. Green

Subscribed and sworn to before me this December 6, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Harnage, James and Sabina Bacon as citizens by blood of the Cherokee
Nation.

DECISION.

The record in this case shows that on December 6, 1900, William Harnage appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of Harnage, James and Sabina Bacon as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902.

The evidence shows that the said Harnage, James and Sabina Bacon are the minor children of Sabina Bacon, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on May 19, 1837, and that the said Harnage Bacon was admitted to citizenship on the same date.

It further appears that Sabina Bacon, the mother of the applicants herein never removed to the Cherokee Nation, and that the applicants herein were born in the state of Texas, and have never removed to and in good faith settled in the Cherokee Nation or Indian Territory. Paragraph nine of the Act of Congress, approved June 28, 1898 (30 Stats., 495) provides:

"That no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Harnage Bacon, James Bacon and Sabina Bacon as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 15 1902

827

COMMISSIONERS

HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 900.

ALLISON I. AVISESWORTH
SECRETARY

Muskogee, Indian Territory, August 15, 1902.

W. W. Hastings, Esquire,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

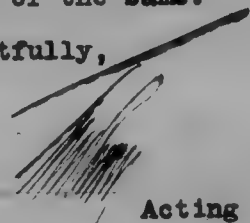
Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes, dated August 15, 1902, denying the application of William Harnage for the enrollment of his wards, Harnage Bacon, James Bacon and Sabina Bacon, as citizens by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,



Acting Chairman.

Enc. C. No. 30.

SPV

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 900.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

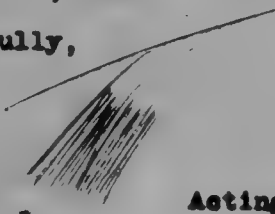
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date August 15, 1902, rejecting the application of William Harnage for the enrollment of his wards, Harnage, James and Sabina Bacon, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 15, 1902.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Harnage, Bacon & Co.

FOR

CHEROKEE

...

...

...

IN THE MATTER OF THE APPLICATION OF

Samuel Bacon et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony of 12/6/00

B Memo. of Application of 12/6/00

C Certified copy of certificate of admission

D Notice of final consideration 3/12/02

E Proof of service of notice 3/12/02

Transferred to R-705

Cher D 901

Cher D 901

100

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the left column, and the addresses are listed in the right column. The names are: John A. Smith, John B. Smith, John C. Smith, John D. Smith, John E. Smith, John F. Smith, John G. Smith, John H. Smith, John I. Smith, John J. Smith, John K. Smith, John L. Smith, John M. Smith, John N. Smith, John O. Smith, John P. Smith, John Q. Smith, John R. Smith, John S. Smith, John T. Smith, John U. Smith, John V. Smith, John W. Smith, John X. Smith, John Y. Smith, John Z. Smith. The addresses are: 123 Main St., 456 Main St., 789 Main St., 101 Main St., 202 Main St., 303 Main St., 404 Main St., 505 Main St., 606 Main St., 707 Main St., 808 Main St., 909 Main St., 1010 Main St., 1111 Main St., 1212 Main St., 1313 Main St., 1414 Main St., 1515 Main St., 1616 Main St., 1717 Main St., 1818 Main St., 1919 Main St., 2020 Main St., 2121 Main St., 2222 Main St., 2323 Main St., 2424 Main St., 2525 Main St., 2626 Main St., 2727 Main St., 2828 Main St., 2929 Main St., 3030 Main St., 3131 Main St., 3232 Main St., 3333 Main St., 3434 Main St., 3535 Main St., 3636 Main St., 3737 Main St., 3838 Main St., 3939 Main St., 4040 Main St., 4141 Main St., 4242 Main St., 4343 Main St., 4444 Main St., 4545 Main St., 4646 Main St., 4747 Main St., 4848 Main St., 4949 Main St., 5050 Main St., 5151 Main St., 5252 Main St., 5353 Main St., 5454 Main St., 5555 Main St., 5656 Main St., 5757 Main St., 5858 Main St., 5959 Main St., 6060 Main St., 6161 Main St., 6262 Main St., 6363 Main St., 6464 Main St., 6565 Main St., 6666 Main St., 6767 Main St., 6868 Main St., 6969 Main St., 7070 Main St., 7171 Main St., 7272 Main St., 7373 Main St., 7474 Main St., 7575 Main St., 7676 Main St., 7777 Main St., 7878 Main St., 7979 Main St., 8080 Main St., 8181 Main St., 8282 Main St., 8383 Main St., 8484 Main St., 8585 Main St., 8686 Main St., 8787 Main St., 8888 Main St., 8989 Main St., 9090 Main St., 9191 Main St., 9292 Main St., 9393 Main St., 9494 Main St., 9595 Main St., 9696 Main St., 9797 Main St., 9898 Main St., 9999 Main St.

1. The first of these is the fact that the Government has not yet decided whether it will accept the offer of the United States to purchase the rights in the patent for the atomic bomb. This is a very important decision, and it is one which the Government should make as soon as possible. The Government should also consider the possibility of purchasing the rights in the patent for the atomic bomb from the United States. This is a very important decision, and it is one which the Government should make as soon as possible.

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COMMISSION TO THE FIVE CIVIL
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DEC. 6 1990

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TALLEGUAH, I.T., JUNE 28th, 1900.
L.

IN THE MATTER OF THE APPLICATION OF David Whitaker for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A David J. Whitaker.
Q How old are you? A Sixty two.
Q What is your Postoffice address? A Pryor Creek.
Q What district do you live in? A Coconawadaw.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood or intermarriage? A By blood.
Q Does your name appear upon the roll of 1897?
A No sir, it is on the 1896 Roll.
Q For whom do you apply for enrollment? A Myself only.
Q Have you any proof of your citizenship? A Yes sir.

Com'r. T. B. Needles: The applicant presents a certificate, issued from the Executive Department of the Cherokee Nation, Tahlequah, May 22nd, 1895, certifying that David Whitaker was readmitted to citizenship on the 30th day of October, 1897, signed by John I. Adair, Executive Secretary.

- Q Where were you living in 1897? A North Carolina.
Q When did you remove to the Cherokee Nation? A In the Spring of 1895.
Q Have you been here continuously since the Spring of 1897?
A No sir, not quite: I was ~~there~~ here about three years, and then went to North Carolina: I went away in 1897.
Q Went to North Carolina? A Yes sir.
Q When did you return to the Cherokee Nation? A Two weeks ago.
Q Where do you live now? A Pryor Creek.
Q Have you a family? A No sir.
Q You have established your residence at Pryor Creek in the last two weeks? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A I think it is on some of the pay rolls.

(1896 Roll, Page 288, #4344, David Whitaker, Coconawadaw District)

(1894 Roll, Page 331, #4891, David Whitaker, Coconawadaw District)

By Mr. W. W. Hastings, Cherokee Representative:

- Q What time in 1895 did you come to the Cherokee Nation?
A Came in May.
Q What time in May? A I was in Tahlequah on the 22nd. I got a certificate in Tahlequah; reported here the 22nd day of May.
Q Where did you go from Tahlequah? A Pryor Creek.
Q How long did you remain there continuously? A I made that my home.
Q How long did you remain there continuously? A I remained there you might say all the time I was here.
Q How long was that? A 1897.
Q What time in 1897? A Well, July I think.
Q ~~How long you remained there continuously?~~ A Yes sir.
Q And you came back here about two weeks ago? A Yes sir: I left my property here at Pryor Creek; some town lots, a horse and buggy. I went home on account of the sickness of my father, and remained there until after his death: He was sick for nearly five years.
Q When did he die? A May.
Q What day? A Yes sir, the 20th of last May. I did want to

remain there until the estate was settled up, but I could not do it.

By Commissioner T. B. Needles:

Q Did you ever vote in North Carolina? A No sir, not since I went back this last time; I used to vote there; I came here under what they call the six months law, the law passed in 1894, to all of those who had been readmitted.

Q You were a citizen of North Carolina until 1895? A Yes sir.

Q And you never voted in North Carolina after 1895? A No sir, never voted afterwards.

Q This law provides that no person shall be enrolled who has not removed to and in good faith settled in the Nation in which he claims citizenship? You should have removed to and settled in the Cherokee Nation in 1895, according to the terms of the Curtis Bill? A I came in May, 1895.

By Gen'l R. T. B. Needles: The name of David L. Whitaker is found upon the census roll of 1896, and upon the pay roll of 1894; By reason of the testimony as to his residence, final judgment as to his enrollment will be suspended and his name will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Craven
Subscribed and sworn to before me this 6th day of December, 1900.

[Signature]

COMMISSIONER.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE-CIVILIZED TRIBES
FILED
JAN 10 1901

SUPPLEMENTAL TESTIMONY In CASE D.901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 15th 1900.

In the matter of the application of David L. Whitaker. SUPPLEMENTAL
Stacy Whitaker being called and sworn before Commissioner Needles
testified as follows:-

- Q What is your name? A. Stacy Whitaker.
Q What is your age? A. 40.
Q What is your post office address? A. Pryor Creek.
Q Do you know David L. Whitaker? A. Yes sir.
Q What relation are you to him? A. He is my husbands brother.

BY CHEROKEE REPRESENTATIVE W. W. HASTINGS.

- Q Where has David L. Whitaker been living? A. With me at Pryor Creek.
Q Where else has he been living? A. Traveling round
Q Has he been living in North Carolina? A. No he came back.
Q When? A. Under the six Month's Law in May.
Q Of what year? A. I dont know.
Q Do you know when that law was passed? A. No sir.
Q How long did he remain here when he came? A. Some three years.
Q Did he stay at your place for three years? A. No sir.
Q How long did he remain there continuously? A. I dont remember the
dates.
Q How long has he been back there in North Carolina? A. something
near three years.
Q He has been living at Andrews North Carolina has he not? A. Yes sir.
Q And been living there until a few weeks ago? A. Yes sir, got here
on the Tuesday before the Commission dismissed at Chelsea.
Q Do you mean to say that he lived in the Cherokee Nation at your
house and at the homes of his other relations continuously for the
period of three years after he first came here until he went away.
A Yes sir.
Q What years did he go back? A. I dont know that.
Q Dont know what year he came? A. No sir.

By the Commission? A. Is he married? A. No sir.
Q Has he ever been married? A. No sir.

Chas. von Weise, being sworn, states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the
proceedings in the above entitled cause and that the foregoing is
a full, true and correct transcript of his stenographic notes thereon

Chas von Weise

Subscribed and sworn to before me this 10th of January, 1901.

[Signature]
Commissioner.

ELIZABETH WHITTAKER.

JOINT COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Terr. October 4th, 1897.

Docket No.:	Names	Age	Sex	Post Office	Attorney.
1	Elizabeth Whitaker	37	Female	Walla, Tenn.	
2	David Whitaker	36	Male		
3	J. Mc. Whitaker	39	"		
4	Martina Whitaker	37	Female		
576	Sarah A. Whitaker				W. Taylor
				Applicant for	
				Cherokee Citizen-	
				ship.	
				Census rolls, 1851	
				1852.	
				Ancestor	
	vs.			Polly Taylor.	
	Cherokee Nation.				

Now on this the 13 day of Oct. 1897, comes the above case for final hearing, and the parties having made application pursuant to the provisions of an Act of the National Council, approved Dec. 9th 1886, and all the evidence being duly examined and found to be sufficient and satisfactory to the Commission, and the name of the Ancestor Polly Taylor appearing on the rolls of 1851 & 52, it is adjudged and determined by the Commission that Elizabeth Whittaker, David Whitaker, J. Mc. Whitaker, Martina A. Whitaker, Sarah A. Whitaker, are Cherokees by blood, and are hereby re-admitted to all the rights & privileges of Cherokees by blood. And a certificate of said decision of the Commission and re-admission was made and furnished to said parties accordingly.

Attest:

Clerk Com.

J. Adams, Chairman Com.
J. L. , Clerk

Case continued by agreement to March 24, 1902.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and com-

R.

C. D-901.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of David L. Whitaker for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

Hutchings, West & Parker, Muskogee, I. T., attorneys for applicant.

W. W. Hastings, attorney for Cherokee Nation.

The applicant, David L. Whitaker, was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902. Receipt was acknowledged of the Commission's letter and the applicant on said date appeared by his attorney, and by agreement with the representative of the Cherokee Nation the case was continued until the 14th day of March, 1902, the same being this day, to-wit: the 14th day of March, 1902, the applicant appears in person and by his attorney.

W. B. TAYLOR, being first duly sworn, and being examined, testified as follows:

MR. WEST: What is your name, age and post office address?

A W. B. Taylor, seventy-five years old, live at Pryer Creek.

Q What is your citizenship? Are you a citizen of the United States or a citizen of the Cherokee nation?

A I am a citizen of the Cherokee Nation.

Q By blood or adoption? A By blood.

Q How long have you been living at Pryer Creek?

A I have been living at Pryer Creek about eight months. I have been living in the vicinity of Pryer Creek since 1874.

Q Are you any relation to the applicant David L. Whitaker?

A Yes sir.

Q What relation? A He is my nephew, my sister's son.

Q Is he the son of a full sister of yours? A Yes sir.

Q His mother, then, was a Cherokee by blood also? A Yes sir.

MR. HASTINGS: I might state here that this man having been once re-admitted, the question of blood is not a matter to take into consideration, it is purely a question of residence.

MR. WEST: Do you know when David L. Whitaker first came to the Indian Territory?

A I don't know the exact date. I think it was in 1897, if I am not mistaken, but I don't know the exact date.

Q You don't know the exact date?

A No sir, I don't know. I am old and I don't recollect. I took no note of it.

Q Where were you living when he came to the Indian Territory?

A When he first came?

Q Yes. A I was in Saline District, on Grand River

Q How far from Pryer Creek? A I suppose eighteen miles.

Q Do you know about how long David L. Whitaker remained here after he came to the Indian Territory? A No, I can't tell that. He remained here a considerable time, and was notified to go back and attend to his old father. He was summoned by his brothers and sisters to go back.

MR. HASTINGS: That is purely hearsay on your part?

A No, he said to me before he started back he would leave his personal effects with his brother's wife.

Q What did those personal effects consist of?

A Horse and buggy, and I don't know what else. It was all left there until he returned.

MR. WEST: With whom was this horse and buggy and all his other effects left? A With his brother's wife, Stacy Whitaker.

Q Stacy Whitaker is the wife of what one of his brothers?

A W. P. Whitaker.

Q Do you know whether at the time David L. Whitaker was here in the Cherokee nation, that we are now talking about, he had any property besides this horse and buggy and these movable personal effects?

A He had a lot or two, one anyway.

Q Town lot? A Yes sir.

Q Where was that? A Pryor Creek. He is single and never was married and never set up farming. He made his home with his brother.

Q What brother did he make his home with? A W. P. Whitaker, where he still makes it.

Q About how long was David L. Whitaker gone back to North Carolina before he returned to the Indian Territory?

A I think it was a little over two years.

Q You can't give the exact time, can you? A No, not the exact time.

Q Do you know what years they were? A That he went back?

Q Yes, when he went back and when he came again to the Indian Territory.

A He went back--I first stated he came here in 1897. He went back in 1897.

Q So it could not have been 1897 when he came here?

A He came here in 1898, to the best of my recollection. I didn't get your question properly.

Q Then he went back about 1897? A Yes sir.

Q He stayed something over two years and came back again?

A Yes sir.

Q He has been here ever since?

A Ever since. It is all the home he has got.

Q Do you know anything about what became of that horse and buggy that he left here when he went back to North Carolina?

A It was there when he came back. We took care of it for him.

MR. HASTINGS: Who did he purchase these lots of in Pryor Creek?

A I don't know, I think he purchased at a regular sale.

Q Were you there? A No sir.

Q Did you see the deed to it? A No sir.

Q How do you know he has them yet? A I saw his tax receipt, for the tax that he paid on it?

Q When was that? A About three or four months ago.

Q Who had it? A He had it.

Q That is all you knew about it? A Yes sir.

Q You knew that he had a horse and buggy? A Yes sir.

Q When did he purchase that horse and buggy?

A I don't know exactly when he purchased it.

Q Do you know of any white people living around Pryor Creek that have got a horse and buggy, that don't claim citizenship.

2.

MR. WEST: I object to that.

2.

A A good many white people there have buggies, but I don't know whether they claim citizenship or not.

MR. WEST: The question as to whether the white people did or did not have buggies would not affect this case?

Q MR. HASTINGS: Don't you know that a good many have them?

A I could not tell. They come in there and go out, and I could not itemize.

Q Do you know what time of the year Whitaker came to the Cherokee nation the first time?

A I cannot exactly recollect.

Q You never paid much attention to it?

A Because at that time I was living up on Grand River, when he came in.

Q Do you know whether it was summer or fall?

A I could not say what time of the year he came, I don't know.

Q You don't know what season it was?

A No sir, I made no note of it.

Q Do you know what time of the year he left?

A Yes sir, he went back in August to the best of my knowledge.

Q Do you know? A Yes, I knew when he went back.

Q I want to know if you knew it was in August?

A I am almost positive it was August.

Q Then he came back a week or two before this enrollment? How long had he been back here when he applied to the Commission to be enrolled, in December, 1900, a year ago last December?

A I could not tell, pretty near a year.

DAVID L. WHITAKER, being first duly sworn, and being examined, testified as follows:

MR. WEST: You are the applicant in this matter? A Yes sir.

Q You testified once before in this matter. A Yes sir.

Q I want to ask you a little further about some property that you testified you left in the Cherokee Nation at the time you went back to North Carolina. What became of that property?

A The horse and buggy I left with Mrs. Whitaker when I went away, and when I came here she still had it. It is still there. It is there today.

Q Which one of your brothers did you live with when you were in the Indian Territory between 1895 and 1897?

A I lived with W. P. Whitaker.

Q Which one did you make your home with? A With him.

Q Previous to your first coming to the Indian Territory, with whom had you always made your home? A With my father.

Q Where at? A North Carolina.

Q You stated in your other examination that you had some town lots in Indian Territory? A Yes sir.

Q What town are they in? A Pryer Creek.

Q State how you acquired these lots and when you acquired them.

A One of the town lots I bought in the first sale of town lots by my brother, and deeded to me.

Q Were you in the Indian Territory at that time? A No sir.

Q Before you came into the Indian Territory? A Yes sir.

Q How about the other?

A The other was bought at the last sale of the Pryer Creek town lots in Pryer Creek.

Q By whom?

A Bought by my brother W. P. Whitaker and deeded to me.

Q When did he deed it to you?

A It was in 1897, I reckon, because I went away in 1897. Just a little before.

Q While you were in the Indian Territory and before you went back to North Carolina?

A Yes sir. I got that deed at Tahlequah, and never took it from the envelope, but put it in my valise, took it home with me, and never broke it open until about the time I started back out here. I have the deed here now, I left the original with Stacy Whitaker, and have never called for it since I came back.

MR. HASTINGS: All of this talk about the date of the issuance of the deeds appears to be a matter of record, and it being the best testimony, the representative of the Cherokee Nation moves to exclude all the testimony by this witness and the other witness as to the date of the issuance of the deeds, because the records are available, and it is the best testimony.

BY COMMISSION: The testimony will be considered.

MR. WEST: The applicant requests leave to have this matter held open until he can make further search for the deeds in question and furnish them to the Commission.

MR. HASTINGS: The representative of the Cherokee Nation will object to this application.

MR. WEST: Did you ever pay any taxes on these town lots?

A Yes sir, I paid town taxes, the town taxes of Pryor Creek, and I want to state, I think I paid the taxes twice, and when I went away I left the business with my brother, and I don't think there was any taxes on the vacant lots after that, but there was town taxes.

Q Have you any of your tax receipts? A Not with me.

Q Do you know whether you have them at all, or not?

A I believe I have, but I am not sure.

Q You will make a search for them and bring them with you when you come again? A Yes sir. I would like to bring W. T. Whitaker, he knows this just as good as I do.

Q You stated in your first examination before the Commission that you went back to North Carolina to be with your father in his sickness? A Yes sir.

Q I will ask you to state the character of his trouble.

A He was old, and he kept having heart trouble, and as he would walk about the house he would fall down in epileptic fits.

Q Did these continue up to the time of his death, or did he get better?

A It continued and got worse.

MR. HASTINGS: WHEN DID HE DIE? A Died in May.

Q What year? A In 1900, I guess it was, just before I came out here, he died in May before I came.

Q In November? A Yes sir.

MR. WEST: Did you have anything to do with the winding up of your father's estate, or act in any capacity in regard to winding up your father's estate? A No sir.

Q Who was appointed administrator of your father's estate?

A My brother.

Q Younger or elder? A Younger.

Q Why not yourself?

A I was not a citizen. I went to the Clerk, but he refused to appoint me, because I was not a citizen of the State.

Q While you were in the Cherokee Nation during 1895 and 1897, did you vote in the elections here as a Cherokee citizen?
A Yes sir, I voted in the 1895 election for Chief, for the head of the ticket, Buffington, voted for three anyway.
Q Was this a regular election?
A Just a regular election, an election for Chief, a regular full-blood election.

MR. HASTINGS: Do you know that Buffington was running for Chief?

A He was running for Judge.
Q Then you stated you never voted in North Carolina before you came out here in 1898? A No sir.
Q Vote there before? A Yes sir.
Q All elections? A All the time until I came here.
Q Up to 1895?
Q Did you vote for presidential electors in 1888, the time Harrison and Cleveland ran? A I reckon I did.
Q Did you vote in 1892, when they ran again?
A I was at all the elections until I came out here.
Q Did you vote in 1894 for congressional elections? A I think so.
Q Vote in the state and county elections?
A All the time until after I left there, until after I came out here in 1895, then when I went back I did not vote any more.
Q You went back in 1897? A Yes sir.
Q Came back in November, 1900? A Yes sir.
Q I would like to know how old that horse is? A You can get--
Q I want to know from you? A I can't tell you how old she is.
Q How much did you pay for her? A Sixty dollars.
Q How old is she now? A I don't know. I bought her in 1896. She was young and as wild as she could be. She is a good traveller.
Q I don't want to buy her.

MR. WEST: When you went back to North Carolina, did you have any intention of remaining in North Carolina, to take up your abode there?
A No sir, I didn't expect to be gone over three months, making the round trip clear through. I thought I would come back right away. When I got there my father was so bad, worse than I expected, that I did not want to leave him.

MR. WEST: There is a mistake in one of these records here. You have here certified that he was re-admitted on the 30th day of October, and in another place I think it is stated it was in December, if I am not mistaken. As a matter of fact it was the 13th day of October.

MR. HASTINGS: Where were you born? A North Carolina. Born in 1838, moved the very year that they moved the Indians away. Old General Scott was camped up there.

The following entry appears in Docket C, Cherokee Commission on Citizenship, page 2, for the year 1887:

ELIZABETH WHITAKER.

OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., October 4th, 1887.

Docket No.:	Names	Age	Sex	Post Office	Attorney.
1	Elizabeth Whitaker	57	Female	Valley Town, N.C.	
2	David Whitaker	48	Male		
3	J. Mc. Whitaker	38	"		
4	Martha Whitaker	37	Female		
876	Sarah A. Whitaker	36	"		C.H. Tayler.
				Applicant for	
				Cherokee Citizen-	
				ship.	
				Census Rolls, 1851	
				& 1852.	
	vs.			Ancestor	
	Cherokee Nation.			Polly Tayler.	

Now on this the 13 day of Oct. 1887, comes the above case for final hearing, and the parties having made application pursuant to the provisions of an Act of the National Council, approved Dec. 8th 1886, and all the evidence being duly examined and found to be sufficient and satisfactory to the Commission, and the name of the Ancestor Polly Tayler appearing on the rolls of 1851 & 52, it is adjudged and determined by the Commission that Elizabeth Whittaker, David Whitaker, J. Mc. Whitaker, Martha A. Whitaker, Sarah A. Whitaker, are Cherokees by blood, and are hereby re-admitted to all the rights privileges of Cherokees by blood. And a certificate of said decision of the Commission and re-admission was made and furnished to said parties accordingly.

Attest:

C. C. Lipe,
Clerk Com.

J. T. Adair, Chairman Com.
D. W. Lipe, Commissioner.

Case continued by agreement to March 24, 1902.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Supl.-C.D.#901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

SUPPLEMENTAL in the matter of the enrollment of DAVID L. WHITTAKER as a citizen of the Cherokee Nation.

Case continued by agreement from March 14, 1902, to March 24, 1902. Applicants represented by Hutchings, West and Parker, Muskogee, I. T.

Mr. W. W. Hastings, Cherokee Representative, present.

DAVID L. WHITTAKER, the applicant being duly sworn, testified as follows:

MR. WEST:

Q Mr. Whittaker when you were there other day and testified in your case, you stated that when you went back to North Carolina on account of the illness of your father, you purchased or secured round trip tickets for part of the distance; have you any portion of the railroad transportation that you--? A Yes, sir; I have the transportation for St. Louis and then I have another piece from Nashville to Chattanooga.

Q What is this paper (paper shown witness)? A That is transportation to St. Louis.

Q Just explain what it is and how you came by it, what it means?

A Well it means, going, taking couple of cars of cattle I was to have went with Jeff Mayes cattle and when the evening come for going and Culos Mayes wanted to go with the cattle and then I went to Mr. Hogan and went with his cattle.

Q This paper is a shipper's contract between the M. K. & T. Railroad Co. and J. C. Hogan, and on the back of it is a contract or record of persons going with those cattle, which is at the bottom of it written in ink, D. L. Whittaker is signed, I want to know who wrote that? A I wrote it.

Q How did you expect to use this? A Why I expected to use it in coming back. Chief Mayes, I went to him and told him about my father's sickness, that I was going back to North Carolina and he agreed to let me go with his cattle and he told me "now when you want to come back you go ~~the~~ to the cattle yards and look up some of the boys with cattle" and says they will bring you in; it was understood when I went I could not get back on this.

Q As a matter of fact you didn't go with Mayes' cattle at all?

A No, sir, I went with Hogan's cattle, they was in the same train.

Q What is this other paper (paper shown witness)? A This was a ticket from Nashville to Chattanooga and return.

Q Well, this part of it that you have here now, is that all of the

ticket or it is just part? A It is just part; this is all of the ticket from Nashville to Chattanooga, and part of the ticket from Chattanooga to Nashville I haven't got.

Q What I mean is this; didn't the conductor take up any of the ticket; didn't he take up any of it? A This is the return part; I don't recollect what he took off.

Mr. West: I desire to introduce both this livestock contract and return coupon railway ticket.

Commission: The document will be filed and made part of the record.

Q What is this paper (paper shown witness)? A This is a power of attorney from myself to W. T. Whittaker.

Q In whose handwriting is it? A It is mine, I wrote it myself.

Q All of it? A All of it.

Q Did you sign it? A I signed it, and my brother witnesses it.

Q Was that not before or after you were readmitted to citizenship by the Adair Commission? A It was after

Q Is the date shown on that document there that power of Attorney, the true date when it was made? A Yes, sir.

Mr. West: We offer this document in evidence.

Commission: The same is filed.

Q What is this document, Mr. Whittaker (paper shown witness)

A That is a deed to a town lot in Pryor Creek, November, 1896.

Q Is that from the Cherokee Nation? A From the Cherokee Nation.

Q Is that one of the deeds that you testified to here the other day, town lots? A Yes, sir.

Q Have you made diligent search in regard to those deeds that you testified to the other day, and is this the only one you are able to find? A Yes, sir, that is the only deed I have.

Q This town lot deed, that is one of the lots of which you are still the owner? A Yes, sir.

Q Still own that lot? A Yes.

Mr. West. I offer that deed in evidence.

Commission: The same will be made part of the record.

Q You testified the other day about havin' paid certain taxes n and that you had certain tax receipts, I want to know whether you made any search for those and would the result was? A I could not find them, only I am satisfied that I paid it; paid it for two years.

MR. HASTINGS:

Q Well, what did you pay for that ticket, cattle contract to St. Louis? A Didn't pay anything.

Q Then you just got it from Mr. Hogan and through his kindness he was to let you come back on it if you got back there in time?

A That is the railroad law.

Q What did you pay for that other ticket from St. Louis on to Chattanooga? A I paid the price.

Q I want to know what that was? A I don't know.

Q Wasn't there a reduction? A Yes, sir.

Q There was some excursion there and it was just as cheap to buy it round trip as one way? A I don't think it was quite as cheap.

Q There wasn't much difference? A No, sir.

Q Did you buy it all the way from St. Louis to Chattanooga?

A I bought it to Nashville.

Q You didn't buy it all through? A I bought it to Nashville.

Q What did you do with that other? A I lost it.

Q And then you bought from Nashville, from there to Chattanooga?

A Yes, sir. Q W

Q What sort of gathering were they having over there?

A I don't know; it was time of excursion.

Q It was an excursion wasn't it? A Yes, sir.

Q Fact of the business is you, it being an excursion you thought that you could buy round trip ticket as cheap as you could the other and you bought the round trip? A I could not tell the difference.

Q Do you know the difference? A No, sir

Q Could you tell whether there was any difference? A I could not tell; there generally is.

Q Was there on this occasion? A I want swear that there was or was not.

W. T. WHITTAKER, being duly sworn, testified as follows on part of applicant:

MR. WEST:

- Q What is your name? A W. T. Whittaker.
- Q Where do you live? A Pryor Creek.
- Q Are you any relation of applicant, David L. Whittaker?
- A I am his brother.
- Q Do you know anything about his readmission to citizenship in the Cherokee Nation? A Yes, sir. He was re-admitted.
- Q About when? A Well, my recollection it was in '88.
- Q Do you know who attended to that for him? A I was one, myself and brother and Campbell Taylor, I suppose were the witnesses.
- Q I mean who looked after it, presenting his claim? A I didn't have any lawyer, Campbell Taylor looked after it.
- Q Was David L. Whittaker himself here at that time? A No, sir.
- Q Where was he? A He was in North Carolina.
- Q Well, how came you to be acting for him? A Through correspondence, and that court we understood was the court to try all cases, and they wrote up--all of our folks all are admitted at the same time--as well as I remember, anyway about that time we give in evidence as for all at the same time.
- Q Well, they weren't all admitted in the same case? A No, sir, the same court.
- Q Have you got any correspondence that you had with members of your family at that time, David L. Whittaker? A No, I haven't got any correspondence. There might be some.
- Q Did David L. Whittaker ever come to the Indian Territory after that? A Yes, sir.
- Q When? A Sometime in '95, I believe somewhere about that time.
- Q How long did he remain? A He remained here something near two year; maybe a little over. I don't remember the exact dates. ~~xxxx~~
- Q With whom did he make his home while he remained here?
- A He lived with me.
- Q Do you know of any property he had while he was in the Indian Territory? A Yes, sir, he had some lots in Pryor Creek.
- Q Anything else? A He had a pony and buggy and harness.
- Q What did he do with his property when he went to North Carolina?
- A He lived then with us at my house; I think he had some arrangements with my wife about ~~some~~ one lot, I don't know just how.
- Q What did the property he left at your house consist of?
- A Buggy and Horse and a little more.
- Q Anything else besides that? A He left some clothing, I don't know what he had in the way of clothing, he took some; never paid any attention to it.
- Q Is that horse still in existence the same? A Yes, sir.
- Q Could Mr. Hastings, the representative of the Cherokee Nation examine her ~~mouth~~ mouth and tell how old she is if he would go up there at Pryor Creek? A Yes, sir, I think so, she is about 13 years old.

Mr. Hastings: Therepresentative of the Cherokee Nation desires to disclaim any horse knowledge whatever.

MR. HASTINGS:

- Q You have got her? A Yes, sir.
- Q How old was he when he bought her? A She must have been about five or six years old.
- Q He bought her in 1896? A I don't know whether he bought her in 1895 or 6.
- Q He got her yet? A Yes, sir.
- Q Has he got the bugy there yet? A No, sir, it is worn out.
- Q And the harness? A There way be a piece there.
- Q Has he got any hogs? A No, sir.
- Q How long has he been back here this time? A He has been back here, I don't remember exactly, he came and went before the Dawes Commission at Tahlequah.

Q Well, about the time he went before them at Tahlequah?
A Yes, sir.
Q Now, what year that was? A I don't know the record shows.

The attorney for the applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.
The attorney for the applicant requests and will be granted 30 days in which to file a brief in the case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

---000000000---

That at I, J. O. Rosen, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly took the testimony and proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosen

5907

RECEIVED THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES
FILED
23-1902

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR:
COMMISSION TO THE FIVE CIVILIZED TRIBES:

In re Application of David L. Whitaker for enrollment
as a citizen of the Cherokee Nation.

NO. D. 901.

BRIEF ON BEHALF OF APPLICANT:

There is in this case no question as to the Cherokee blood of applicant. The record shows that applicant was reared in North Carolina; that in the year 1887 he made application to the Adair Commission for readmission to citizenship in the Cherokee Nation and was readmitted as a Cherokee by blood and a descendant of Polly Taylor, whose name appears upon the rolls of 51 and 2; that subsequently thereto he purchased through his authorized agent, certain town lots in the town of Pryor Creek, I.T. and in May 1895 came to the Indian Territory and took up his residence at Pryor Creek and acquired certain other property; that he paid his taxes upon his own lots and voted and exercised all the privileges of the Cherokee citizen up to July or August of 1898, when, owing to the serious illness of his father applicant (who was a ~~black man~~ and had always lived with his father before coming to the Indian Territory) was recalled to North Carolina to care for the old man in his last sickness.

That when he left the Indian Territory, he did not dispose of his property but on the contrary made provisions for having the same cared for, and procured return transportation for the greater part of his journey; that instead of the illness of his father lasting for a month or so, as he expected, he lingered for three years

growing constantly more helpless during all of which time the applicant remained with him; that during this time he ^{resided} lived in North Carolina, he looked upon the Cherokee Nation as his permanent home and did not attempt to exercise any of the privileges of a citizen of North Carolina; and that after the death of his father he was passed by as administrator of the estate and a younger son made administrator because of the fact that applicant was not a citizen of North Carolina and was therefore not qualified to hold this position; that after his father's death he returned within the same month (November 1900) to his home in the Cherokee Nation and the town of Pryor Creek where he still held a town lot and where the horses and buggy and other movable chattels he had left in the care of his sister-in-law remained and still remaining.

No evidence whatever has been adduced tending in any way to impeach the absolute good faith of the applicant, and the sole question for the Commission to determine is whether under the facts disclosed by the record he is now entitled to enrollment as a citizen of the Cherokee Nation;

There are but two provisions of law under which he could possibly be denied enrollment, namely; the act of the Cherokee Council of december 4th. 1894 requiring the return to the Nation within six months after its passage of citizens heretofore readmitted and the provision of the 21st. Section of the Act of Congress approved June 28th. 1898 that " no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

As to the Cherokee Act referred to there can be absolutely no question for the uncontradicted evidence in the case is that the applicant returned to the Cherokee Nation and took up his residence at Pryor Creek in the month of May 1895 and within six months after the passage of the act of december 4th. 1894, therefore unless the provision of the act of Congress of June 28th. 1898 operates to

deprive applicant of his right to enrollment he should be enrolled.

In the first place ~~we~~ seriously question whether this provision is valid or ~~has~~ of any binding effect; in the first place ~~it is~~ retroactive and is without value so far as it attempts to cut off without a hearing, vested rights.

That Cherokee citizenship with the political privileges and property rights flowing therefrom constitute a vested interest which could not be disturbed in this way, we think there is little doubt, see

Black on Constitutional Provisions Section 176; 183
191.

Wade on Retroactive Laws Sections 156; 157; 264.

7, Lawson's Rights and Remedies Section 3850.

3 Amr. & Eng. Enc. at Law Pages 759 & 760.

Steamship vs. Joliffe 2 Wall. 450.

Laws. Ed. Book 17--807.

Society V. Wheeler 22 Fed. Cases 767; 769.

Furthermore the act in question was passed without the consent of the Cherokee Nation and in a matter as to which they had exercised a sovereignty older than the United States itself, and its right to say who should constitute its citizens ~~was~~ respectfully urge would not be taken away by the United States without obtaining its consent or certainly not without some proceeding whereby it had been judicially ascertained that it was necessary for the United States to take the control of such matters out of the hands of the Cherokee nation.

It is true that the Supreme Court of the United States in the case

of Stephens V. Cherokee Nation 174, U.S. 445, Lawyers Edition Book 43--1041 held this legislation valid, ^{but} there is not a lawyer in the United States who has ever read that decision who doesn't recognize in this one of the most striking examples of obiter dictum to be met with in the judicial history of our country.

The court without any issue before them as to this particular act and without it being possible for this act to have been properly drawn in question ^{or} that case, simply went out of their way laid violent hands upon this law, dragged it into court and into the case cited and proceeded to insist that the court thought it valid.

Fortunately for applicant, it cuts no figure whatever as to whether this law be deemed valid and binding or worthless, for we do not apprehend that any sane person and certainly no trained lawyer could contend for a moment that a person temporarily absent from his Nation on the 28th. day of June 1898, lost by reason of this act and of such temporary absence any of his rights of citizenship in his Nation.

The evidence clearly establishes that the applicant's absence was only temporary; that he had long prior to the 28th. day of June 1898 in good faith taken up his permanent abode at Pryor Creek in the Cherokee Nation and has ever since been a bona fide resident thereof; and the owner of property therein.

We respectfully submit that under ^{no} ~~any~~ view of the law can he properly be denied enrollment as a citizen of the Cherokee Nation.

Respectfully,

Gretna C. West
Attorneys for the Applicant.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee I. T. June 5th 1902.

In the matter of the application of David L. Whitaker for enrollment
as a citizen of the Cherokee Nation.

Cherokee D 901.

Brief on part of the Cherokee Nation.

The testimony in this case shows that David L. Whitaker was admitted to citizenship in the Cherokee Nation on the 30th day of October 1887 and that he first came to the Cherokee Nation on the 2nd day of May 1893 or nearly eight years after his first admission that he remained here a short time and left and returned to North Carolina in July 1897 where he remained until two weeks before he made application to the Commission for enrollment in 1900.

Clearly he is not a resident of the Cherokee Nation and was not on June 28th 1893 and under that section of the Curtis Bill which provides that "No persons shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship." We do not see how the Commission, under the law, can enroll him. Counsel for applicant in his brief takes occasion to assail the constitutionality of the act but in as much as it has been upheld by the Supreme Court of the United States in the Stephens case we will not presume to comment further upon it.. The Supreme Court decided however that the question of citizenship, was not a property right and therefore in determining that it did not determine property rights. But in this case if the Commission should determine that the applicant was not entitled to enrollment no property rights of his would be disturbed because applicant only claims a pony and buggy which is possessed by those of ^{no} citizens and some town lots in the incorporated town of Prier ^{or} Creek, numbers of which are owned by citizens of the United States.; therefore none of his property rights would be disturbed.. We contend that the testimony does not show a bona fide residence in the Cherokee Nation, that eight years after he was readmitted he came here and after coming he only remained a very short time he returned to North Carolina and returned the last time for the

purpose of having his name enrolled as a citizen of the Cherokee Nation.
We insist that under the section of the Curtis bill hereinbefore quoted
that the applicant is not entitled to be enrolled as a citizen of the
Cherokee Nation.

Respectfully submitted,

W W Hastings JCS
Attorney for the Cherokee nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
David L. Whitaker as a citizen by blood of the Cherokee Nation.

DECISION.

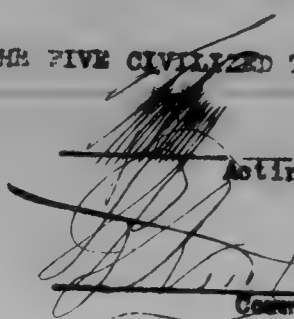
The record in this case shows that on December 6, 1900, David L. Whitaker appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory on December 16, 1900, and at Muskogee, Indian Territory on March 14, 1902 and on March 24, 1902.

The evidence shows that the said David L. Whitaker was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on October 30, 1887. He is identified on the Cherokee Pay Roll of 1894 and the Census Roll of 1896 of the Cherokee Nation.

The evidence further shows that the said David L. Whitaker removed to the Cherokee Nation in May 1894; that he remained in said nation until 1897, at which time, he went to the state of North Carolina, and that he returned to the Cherokee Nation in the month of November 1900. The evidence further shows that the absence of the said David L. Whitaker from the Cherokee Nation from the year 1897 to 1900 was on account of the illness of his father, who was very old, the applicant being at the date of the application herein sixty-two years of age; that during all of said absence he had personal property in the Cherokee Nation, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that David L. Whitaker should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this

SEE 10 1902

consideration to the City of United Nations.

of the term of the application
of the initiator for enrollment
of the initiator of the application.

Prot. 1 of the company called.

• • • • •

The Commission desires to request that you be
informed of the Commission's decision in this matter.
I have been a member of the Commission since 1961.
I am a member of the Commission since 1961.

[illegible][illegible]

No property rights of his would be disturbed because applicant only claims a pony and buggy which is possessed by those of non-citizens and some town lots in the incorporated town of Prior Creek; members of which are owned by citizens of the United States; therefore none of his property rights would be disturbed. We contend that the testimony does not show a bona fide residence in the Cherokee Nation, that eight years after he was re-admitted to citizenship, after coming he only remained a short time, he returned to North Carolina and returned the last time for the purpose of having his name enrolled as a citizen of the Cherokee Nation. We insist that under the Section of the Curtis Bill heretofore quoted, that the applicant is not entitled to be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings JCS
Attorney for the Cherokee Nation.

Attest:

J. C. Starr
Attorney for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERS IN REPLY TO THE FOLLOWING

Cherokee D 901.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of David L. Whitaker for the enrollment of himself as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 125.

837

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 901.

Muskogee, Indian Territory, October 24, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date September 20, 1902, granting the application of David L. Whitaker for the enrollment of himself as a citizen by blood of the Cherokee Nation, a copy of which said decision was furnished you on September 30, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 901.

ALLISON, AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 6, 1903.

W. W. Hastings,

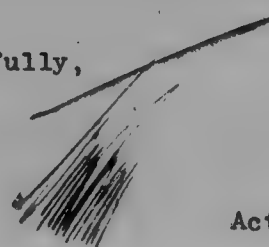
Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision,
dated September 20, 1902, granting the application of David L.
Whitaker for the enrollment of himself as a citizen by blood of the
Cherokee Nation, was affirmed by the Secretary of the Interior on
December 15, 1902.

Respectfully,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

David L. Whitaker

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- A. Original Testimony Dec 6 1900
- B. memo. of application "
- C. Supplemental Testimony Dec 15 1900
- D. Certified copy of act of readmission
- E. Certificate as to citizenship in North Carolina
- F. Certificate of act. Executive Secretary as to applicants readmission. // citizenship
- G. Notice of final consideration, 3/12/02

Co.

- 1. Deed to land lot
- 2. RR ticket & live stock contract
- 3. Power of atty
- 4.

Cher D 902

Cher D 902

902

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVILIZED
NATIONS
DEC 11 1900

TO THE COMMISSIONERS OF THE FIVE CIVILIZED NATIONS
WASHINGTON, D. C.
SIR: I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
Your obedient servant,
[Signature]

Enclosed for you are two copies of a report of the Commission on the subject of the Five Civilized Nations, which I am sure will be of interest to you.

I am, Sir, very respectfully,
Your obedient servant,
[Signature]

Very truly yours,
[Signature]
The following is a list of the members of the Commission on the Five Civilized Nations, which was organized by the Department of the Army on the 1st day of January, 1898, and which has since that time been engaged in a study of the conditions of the Five Civilized Nations, and in the preparation of a report on the same.

The Commission consists of the following members: [List of names]
The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very truly yours,
[Signature]
The following is a list of the members of the Commission on the Five Civilized Nations, which was organized by the Department of the Army on the 1st day of January, 1898, and which has since that time been engaged in a study of the conditions of the Five Civilized Nations, and in the preparation of a report on the same.

DOUBTLESS, AS TO RADA DEWE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WASHINGTON, D. C., FEBRUARY 25th, 1900.

IN THE MATTER OF THE APPLICATION OF William Deen for the enrollment of himself and children as of blood of the Cherokee Nation, and he being sworn and examined by Commissioner, T. R. Needles, testified as follows:

- Q What is your name? A William Deen.
Q Any middle name? A No sir.
Q What is your age? A Forty seven.
Q What is your Postoffice address? A Ft. Gibson.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Where do you want to enroll? A Himself and two children.
Q Wife? A She is a white woman.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Ellen Deen.
Q Is she a citizen by blood? A No sir, not at all.
Q Have you any certificate of marriage? A Yes sir.

By Com'r. T. R. Needles: The applicant presents a marriage license and certificate of marriage, certifying that he was married to one Mrs. Ellen Deen, a citizen of the United States, on the 27th day of May, 1896.

- Q How many children have you? A Two.
Q What is the name of the oldest one? A Zada Deen.
Q How old is she? A Five years old.
Q What is the name of the next one? A Clara, two years old.
Q Are those children living with you at this time? A Yes sir.
Q Were those children born after your marriage? A No sir, but we were living together about three years before we were married.
Q You were never married before, then? A No sir, not before that child was born. We married after that child was born.
Q Were you living with her when this child was born? A Yes sir.
Q Living with her as man and wife? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q Are you living with her now? A Yes sir.

Com'r. T. R. Needles: Are you positive that Zada is your child?
A She says it is.

W. W. Hastings, Cherokee Representative:

- Q Does she bear your name? A Yes sir.
Q How long had you been living with your wife as man and wife prior to the birth of this child? A I do not know. We were married in 1896.

Com'r. T. R. Needles: What year was the child born?

- A She was five years old some time last month I think.
Q Born in 1895 then? A Yes sir.
Q Are they the only two children you had by this woman?
A Yes sir.

- Q You are living with her now as your wife, are you? A Yes sir, we were separated a while.

Cherokee Representative, W. W. Hastings: Was that younger child,

- Clara born during your separation? A Yes sir, the youngest one.
Q When did you separate from her? A About three years ago I guess.
Q How long after this separation was this child born? A It was not very long.
Q One month, two, six or a year? A It might have been about six or seven months. About six months I guess.

Com'r. T. B. Needles:

Q You think about six months after your separation, Clara was born?

A Yes sir.

Q You never got a divorce? A No sir.

Q How long did you live apart? A About one year and a half I guess.

Q What was after your marriage, was it? A Yes sir, some time after we were married.

(1890 Roll, Page 13, John William Drew, Cherokee District)

(1894 Roll, Page 117, John William Drew, Cherokee District)

(1894 Roll, Page 1878, John Allen Drew, Cherokee District)

(1896 Roll, Page 1187, John Allen Drew, Cherokee District)

Q Was your wife ever married before she married you? A Yes sir.

Q Was she ever divorced from her husband? A She said her husband was dead.

Q Before you married her? A Yes sir.

Mr. W. W. Hastings, Cherokee Representative:

Q Have you ever found out anything to the contrary? A No sir.

Com'r. T. B. Needles: The name of William Drew appears upon the authenticated roll of 1890, as well as the census roll of 1894, as a Cherokee of Indian by blood. He presents a certificate certifying that he was married to one, Allen Gillion, in the year 1896. He avers that he has one child, Zada Drew, born before his marriage to the said Allen Gillion, and that since his marriage he has born in wedlock one child, Clara Drew, and he presents satisfactory proof of her birth. He applies for the enrollment of himself and two children only; they being duly identified, and having made satisfactory proof of residence, the said William Drew and child, Clara Drew will be duly listed for enrollment as Cherokees of Indian by blood.

By reason of the testimony, the name of his child, Zada Drew, will be placed on a doubtful card, final judgment being suspended.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9th day of December, 1900.

COMMISSIONER.

Q Did you have any children by your first marriage? A Yes sir.
 Q How many children? A One child, Clara, 14 years old.
 Q What is the name of the child? A Clara.
 Q How old is she? A 14 years old.
 Q Did you have any children by your first marriage? A Yes sir.
 Q How many children? A One child, Clara, 14 years old.
 Q What is the name of the child? A Clara.
 Q How old is she? A 14 years old.
 Q Did you have the one child by your first marriage? A Yes sir.
 Q That's all? A Yes sir.
 Q Did you ever have more than the three children? A No sir.

Commissioner Needles: From the testimony just taken the fact was developed that William Drew was married before his marriage to Ellen and no proof of divorce or legal separation has been made; it is further developed that said Ellen Drew, the mother of Clara and Zada, was married before she married said William Drew, and no proof has been made as to the divorce or legal separation from her first husband. In order to complete the enrollment of the two children Clara and Zada, it will be necessary that satisfactory proof be made to the Commission of the legal separation and divorce between William Drew and his first wife and between Ellen Drew and her first husband, and William Drew must be notified to appear before the Commission and file satisfactory proof as required herein.

W.D. Green being sworn, depose and say that he is a member of the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceeded with the case and that the foregoing is a true and complete statement of the facts and circumstances thereof.

Subscribed and sworn before me this 1st day of November, 1901.

NOV 5 1901
 ELI F. FRED
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 DEPARTMENT OF THE INTERIOR

JOHN CHRYMUS

W.D. Green

W.D. Green
 Notary Public.

SUPPLEMENTAL: File with Cherokee D-902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 12, 1901.

In the matter of the application of William Drew for the enrollment of his child Clara, straight Cherokee card No. 6191, and his child Zada, doubtful card No. 902.

APPEARANCES:

W.W. Hastings and J.L. Baugh, attorneys for Cherokee Nation.

ELLEN DREW, being sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A Ellen Drew.
Q Are you married? A I haven't been married since he left me.
Q Who left you? A Bill Drew.
Q That's William Drew? A Yes sir.
Q Was he your husband? A Yes sir.
Q Is he the father of Zada and Clara Drew? A Yes sir.
Q Were you ever married before your marriage with William Drew?
A Yes sir.
Q Who to? A Ellis Willie.
Q Where? A Way down close to Van Buren.
Q Close to Van Buren in the State of Arkansas? A Yes sir.
Q Was your husband living when you married William Drew? A Yes sir.
Q Had your husband been divorced from him? A Yes sir, he got a divorce himself; I didn't.
Q What court? A In Arkansas.
Q What county in Arkansas, do you recollect? A No sir, I don't recollect.
Q Was it near Van Buren? A Well I can't tell whether it was or not.
Q He got a divorce from you you say? A Yes sir.
Q Have you never married before? A No sir, never was.
Q Never was married only to this man you speak of, and William Drew? A Yes sir.
Q You are now separated from William? A Yes sir.
Q Any divorce from him? A No sir.
Q These 2 children, Zada and Clara, are they in your custody now?
A Yes sir.
Q Living with you? A Yes sir.
Q You are raising them? A Yes sir.
Q Their father, William Drew, pays no attention to them? A No sir, none at all; wont stay with them and help me to raise them.
BY MR. HASTINGS:
Q Who married you to Will Drew? A Jeff Robison.
Q Preacher? A Well I can't tell you whether he was a preacher or not, all I know it was Mr. Jeff. Robison.
Q Where did he live? A Here in Tahlequah.
Q When did he marry you? A He married us about 4 years ago.
Q Will Drew had been married before? A That's what he says, I don't know.
Q You know what his former wife was named? A No sir.
Q Did you ever see her? A No sir, I never did.
Q Do you know whether he had any children by her or not? A No sir, I don't know that.
Q You know whether she is now? A No sir, I don't know where she is at.
Q You know whether she is living or not? A No sir, I don't know whether she is or not.
Q Will ever tell you she was living? A He did long time ago, about 2 years ago he said she was living then, but I don't know whether she is now or not, I can't tell.

2 Wm Drew for children

- Q Did you have any children by your first marriage? A Yes sir.
Q What is the child next older than Zada? A Welda.
Q How old is Welda? A She is 13 years old. She is a white child.
Q When were you married to your first husband? A 14 years ago.
Q When did you separate from him? A We separated when the child was nine months old.
Q Did you have the one child by him? A Yes sir.
Q That's all? A Yes sir.
Q Did you ever have more than the three children? A No sir.

Commissioner Needles: From the testimony just taken the fact was developed that William Drew was married before his marriage to Ellen and no proof of divorce or legal separation has been made; it is further developed that said Ellen Drew, the mother of Clara and Zada, was married before she married said William Drew, and no proof has been made as to the divorce or legal separation from her first husband. In order to complete the enrollment of the two children Clara and Zada, it will be necessary that satisfactory proof be made to the Commission of the legal separation and divorce between William Drew and his first wife and between Ellen Drew and her first husband, and William Drew must be notified to appear before the Commission and file satisfactory proof as required herein.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this November 14, 1901.

J. H. Green
Commissioner
Notary Public.

C. 1-102.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
William Drew for the enrollment of his daughter Zada Drew as a
citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25,
1902, that his application for the enrollment of his daughter Zada
Drew would be taken up for final
consideration by the Commission at its offices in Muskogee, I. T.,
on the 12th day of March, 1902, and that on said date he might
appear before the Commission, either in person or by attorney, when
an opportunity would be given him to introduce any further testimony
in support of his application. Receipt has been acknowledged of the
Commission's letter, and the applicant having, this date, to-wit:
the 12th day of March, 1902, been called, and failing to respond, it
is deemed that his case is completed, and same will be reported to
the Commission for its final decision based upon the evidence now of
record.

RECEIVED
MAR 28 1905
U. S. DEPT. OF THE INTERIOR

WILLIAM CHERRY

I, Wm. Cherry, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly reported the
proceedings in this case, and that the foregoing is a true and cor-
rect transcript of the same.

B.

C. B-908.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of William Drew for the enrollment of his daughter Nada Drew as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of his daughter Nada Drew as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting the application. Receipt has been acknowledged of the Commission's letter, and the applicant having, this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

13

CORRECTION:

1925

1. The first part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

2. The second part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

3. The third part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

4. The fourth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

5. The fifth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

6. The sixth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

7. The seventh part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

8. The eighth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

9. The ninth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

10. The tenth part of the document is a list of names and addresses, including "Mr. J. H. Smith, 123 Main St., New York, N. Y." and "Mr. J. H. Smith, 123 Main St., New York, N. Y."

Department of the Interior,
Commission to the Five Civilized Tribes,
Washago, I.T., May 1, 1902.

In the matter of the application of Phillis Hayes for enrollment
as Cherokee Freedman.

SUPPLEMENTAL TO D-902.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

- MR. DAVENPORT:** What is your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q How long have you lived at Humboldt, Kansas? A 36 years.
Q What is your age? A 37.
Q Since you have been in Humboldt, Kansas, did you get acquainted with a colored family by the name of Hayes? A Yes, sir.
Q Do you know what the heads of the family, the man and wife's, names were? A The woman's name was Phillis Hayes.
Q What was that, a man or a woman? A A woman I guess.
Q Well when did you first get acquainted with her, Mr. Redmon?
A Why I must have got acquainted with her along in '71 or '2 or '3, somewhere along there.
Q Where was she living at the time you got acquainted with her? A In Humboldt.
Q How long since you have seen Phillis Hayes? A Last Saturday.
Q Where is she living now, living and making her home? A In Humboldt.
Q Has she resided continuously at her home in Humboldt, Kansas, since you got acquainted with her in '70? A Yes, sir.
MR. SMITH: Question objected to because it is leading.
MR. DAVENPORT: How far does Phillis Hayes live from where you live now and make your home? A Well from where I live and make my home it is about seven blocks.
Q About how often do you see her? A Why I see her about once or twice a week.
Q You got acquainted with the family and knew the family there along in the 70's? A Yes, sir.
Q And they have them a home there? A Yes, sir.
Q Did you know, did you say they owned property? A Why they owned property.
Q Do you know whether or not Phillis Hayes had any children? A Yes, sir.
Q Do you remember any of their names? A Sam Rogers, Lewis Rogers, Frank Brady.
Q Frank Brady? A Yes, sir. And there was another, there was one living there, a girl, by the name of Bettie Cash.
Q Was any of those children living with their mother when you first got acquainted with the family? A All of them but one.
Q Which one was that? A That was Bettie Cash.
Q Where, if you know, are they now living; if you know where any of them are living at present? A I don't know where any of them are living at the present time with the exception of Phillis.
Q Phillis? A Yes, sir, I don't know where any of the children are, I don't know.
Q How long since you saw the boys in and around Humboldt, Kansas?
A Why I saw them about three weeks ago.
Q Which one was that? A Lewis.
Q You say he went by the name of Rogers? A Yes, sir.

Q Well now I didn't get the names of the first ones that you named a while ago? A Sam.

Q Well did he go by the name of Rogers? A By the same name of Rogers, yes, sir.

Q Frank went by the name of Brady you say? A Yes, sir.

Q How long since you have seen Frank? A Two years this summer since I seen Frank.

Q When you first got acquainted with her what was about the ages of these boys when you first began to know the family? A Why let's see; Lew must have been about twelve years old I guess, and Sam probably two or three years older.

Q Two or three years older? A Yes, sir.

Q Well when they left there, about what ages were they when you missed them away from there? A Well now I couldn't tell you that because they have never been together long enough to know hardly at one time. Sam I believe has been gone about two years.

Q Well were they boys still or grown or— A Oh yes, all grown.

MR. SMITH: How old is this woman that you are talking about? A I couldn't tell you.

Q Well, about? A Well I would judge that she was somewhere in the neighborhood of 60.

Q Where was she living last June? A Well I couldn't tell you that exactly where she was last June.

MR. DAVENPORT: You mean where she was living, in Redmon? A Well, sir, her residence was at Humboldt.

MR. SMITH: Where was she? A Now I couldn't say whether— she might have made a trip down into the Indian Territory; she does once in a while.

Q Well where was her postoffice address last June? A Well sir, I couldn't say because she might have been, might have had her mail addressed to where she was; might have been down here; and sent to her, but she wasn't here during that summer.

Q How do you know? A Well I am very well satisfied I saw her last June up there myself.

Q Well are you positive well enough to swear to it? A Well, no, I wouldn't swear to it, but then I know that I seen her pretty near all the summer there.

Q Had a son named Sam Rogers? A Yes, sir.

Q Another one named what? A Lewis Rogers, and Frank Brady.

Q Brady? A Yes, sir, and then she has a daughter by the name of Bettie Cash.

Q Did you ever know a man named John Baldridge or someone called Goose Baldridge? A No, sir.

Q When did you first commence to know this woman Phillis Hayes?

A It must have been along in '71 or '2 or '3, somewhere along there.

Q Where was she in '78? A Why I think she was at Humboldt in 1878.

Q Well do you know? A No, I don't know positively that she was there in '78, but then she has never moved away from Humboldt since I have got acquainted with her.

Q '71, how old were you then? A Well sir, I would have been about six years old in '71.

Q You remember back to the time you was six years old, the years?

A No, '71 or '2 or '3, somewhere along there, I didn't say from '71.

Q Well you remember back to the time you was seven, eight and nine years old, when you met people? A Well I don't know as I remember right back to the year, but I think I could pretty near remember it as long as I have known them.

Q How near do you think you could come to it? A Well I don't think I'll miss it more than a year or such a matter, just guessing at it, you know as long as I have known him.

Q You are just guessing at it? A Known them as long as I have known them, yes, sir. What makes me remember that, well when I would— Charley had two boys, six or seven years old, and I would

catch a licking every time I want to town pretty near from one of the boys there.

Q Now don't you know, if you know anything about this woman, that she has lived in the Cherokee Nation on a farm for a number of years after '78? A No, sir.

Q The woman you are talking about didn't do that at all? A If she did I never knew it; the woman has been in Humboldt continuously, might have been off two or three months out of two or three years.

Q Might have been off down here two or three years? A No, sir.

Q Just did you say? A I said she might have been down two or three months out of two or three years, this is the case of the matter; of course a great many things might have—

Q Well what was the case? A That was the case exactly.

Q The woman that you speak of was never away from Humboldt longer than how long would you say? A Why I think three months, I suppose three months at a time.

Q Three months at a time? A Yes, sir, out of two or three years. She has made several trips down in here that I know of, but she didn't stay but a short time, sometimes not over a month, and go it back.

Q Sometimes she would make trips possibly when you wouldn't know anything about it? A I will admit that, but she wasn't gone long enough for a person to miss her hardly.

Q How long would it take you to miss her? A Oh it might take me a week to miss her.

Q Have you been there all the time yourself? A No, not all the time. I have been away some, been around some.

Q When did you go around any? A Why I went around three or four years ago.

Q Well where did you go? A I was up at Emporia.

Q How long did you stay? A Why I guess I was up there a couple of years at that time.

Q Well now you are willing to say that Phillis didn't leave home while you was away? A No, I didn't swear to that at all.

Q Well then she might have been gone all the time you was away so far as you know? A Yes, sir, that's what I say; but I said to my knowledge.

Q Well now outside of that two years that you was gone where else did you go? A No place.

Q Just the one time you was away from home? A Why I have been up there off and on several times, but then I never stayed like I did during that time I was up there two years.

Q How long was the next longest time you stayed? A I think about six months, and then come back home and stay two or three years and go back again.

Q Six months? A Yes, sir.

Q Well then there were times outside of the time you spent two years away from home that you were away six months at a time? A Yes, sir.

Q Well then what did you mean a while ago by saying that there never had been a time, was that your statement? A To my knowledge.

Q From the time you first knew her until now that she had been away from there over three months? A To my knowledge.

Q Did you say anything about your knowledge? A To my knowledge, no time.

MR. DAVENPORT: What part of Humboldt does Phillis Hayes live in, Mr. Redmont? A She lives in the southwest part of the city.

Q Near whose place? A Why she lives near Mr. Payne's place, a colored gentleman there, and two blocks north of my father's place.

Q Well is Payne's a residence or a business place? A Residence.

-4-

NELSON LOWRY, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Nelson Lowry.

Q Where do you live? A Tahlequah.

Q How long have you lived at Tahlequah or in that country? A All my life nearly.

Q Do you know Phillis Hayes, a colored woman? A I have met her twice.

Q When did you first meet her? A I saw her in 1888.

Q Where did you meet her? A In Humboldt, Kansas.

Q Do you know where she was living at that time? A She was living there in the southwest part of town, I think, near the Neosho River.

Q Southwest part of what town? A Humboldt.

Q Kansas? A Yes, sir.

Q Well when did you next see her after that? A I saw her up there about April 6th or 7th, I believe.

Q Of what year? A 1902.

Q This year? A Yes, sir.

Q Where was she living? A She was living at the same place.

Q Was you in Humboldt, Kansas, this year? A Yes, sir.

Q Well, where did you see her when you was at the same place where they was living? A Up in the southwest part of town.

Q Were you in town or where? A I was in the town.

Q How do you know she was living in town? A I went to her house, went there to see her.

Q Have you any relatives that live in Humboldt, Kansas? A My wife's sister lives there and stepfather.

MR. SMITH: Well all you knew about that then is that in 1888 you saw this woman Phillis Hayes or saw a woman named Phillis Hayes in Humboldt, Kansas? A Yes, sir.

Q And saw the same woman up there this last April? A Yes, sir.

MR. DAVENPORT: Was the woman you saw up there the one that applied for enrollment before the Freedmen Commission? A Yes, sir.

Q You was there at Nowata, wasn't you, when the enrolling Commission was there? A Yes, sir.

MR. SMITH: When did you come to Nowata, what day did you come there? A I don't remember; I was with the Commission ever since they first started in, ever since they moved there.

Q Well weren't you with the Commission all the time? A Yes, sir, been with them ever since they first started there except a week or two.

Q What week or two was that? A I don't remember. I would be looking up witnesses, and sometimes for that reason would not be there.

Q Well you quit the Commission for a while, you weren't with the Commission at least for a time after the Commission was at Chelsea? A Sir?

Q Where did you go when you left Chelsea? A I went down to Tahlequah.

Q Tahlequah? A Yes, sir.

Q Well how long did you stay down at Tahlequah that time? A I went a week before the Commission quit.

Q Now you say you was present and saw her apply for admission?

A Why I didn't see her apply but I saw her there at Nowata.

Q Well you don't know whether she applied at Nowata or not, do you? A I think she did.

Q Well how do you know if you wasn't there and saw her? You don't really know of your own knowledge where she applied, do you? A Yes, I saw her there at Nowata, and that was there she applied at.

Q Well didn't you see her anywhere else except at Nowata? A Yes, sir, I saw her in Kansas.

Q Did you see her at Vinita? A I don't remember whether I did; so many people I can't remember all of them.

Q Did you see her at Chelsea? A I don't remember whether I did or not.

Q Well how do you remember that you saw her at Nowata? A Oh I had a talk with her, and she asked me about my wife; she knew my wife ever since she was a little girl.

Q Well now how long had the commission been in operation at Nowata, been proceeding at that place before you got back from your trip to Tahlequah? A I went from Chelsea over to Nowata with them.

Q You did? A Yes, sir.

Q It was while they were at Chelsea then that you was out a week? A Yes, sir.

Q Well how long did you stay at Nowata? A Oh I don't know just how long, I couldn't say.

Q Well where did you go from Nowata? A No?

Q Yes, sir, A I went to Tahlequah.

Q Went back to Tahlequah; did you stay until the commission adjourned at Nowata or did you leave before it adjourned? A I said I went away a week before they adjourned, that's what I said.

Q Week before they adjourned at Nowata? A Yes, sir.

Q Well what did you say that you were at Nowata when Phillis applied or that you were not, when she went in to enroll? A I couldn't say that I was right there when she went in to enroll, but I saw her there.

MR. DAVENPORT: You say that she had known your wife from a child? A Yes, sir, known my wife.

Q Well where was your wife raised? A Born and raised in Humboldt.

Q Kansas? A Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-936, D-1003, D-925, and D-902, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of May, 1902.

J. H. Renter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Zada Drew as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, William Drew appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Zada Drew as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 12, 1901, and at Muskogee, Indian Territory, on March 12, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Zada Drew is the minor child of William Drew, a citizen by blood of the Cherokee Nation, and Ellen Drew, a white woman; that the said William Drew and Ellen Drew were married on May 27, 1896, and that the said Zada Drew was born to them prior to their marriage.

The said Zada Drew is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said William Drew and Ellen Drew had both been previously married, and it is not shown that they had obtained a divorce.

Section 692 of the Compiled Laws of the Cherokee Nation provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceeding; provided, that the issue from such unlawful marriage shall nevertheless be legitimate; provided, also, that when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

The said Zada Drew was residing with her parents in the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Zada Drew should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

MUSKOGEE, INDIAN TERRITORY,

this

SEP 20 1902


Commissioner.

SR

COMMISSIONERS,

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 902.

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS OF THE
MAINTENANCE OF THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

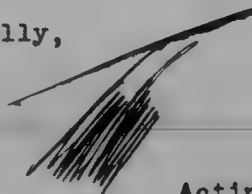
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of William Drew for the enrollment of his minor child, Zada Drew, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 29.

IN THE MATTER OF THE APPLICATION OF

Osada N. N. N.

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

C. Original testimony Dec 6 1900

A. Memo. of application Dec 6 1900

E. Marriage license and certificate.

F. Test from William Drew case 11/12/01

G. Notice of final consideration, 3/12/02

Da Cherokee Jacket # 6191.

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Cher D 903

FILED

DEC 1900

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1911

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DUNSTON, as to wife, Nannie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I.T., December 6, 1900.

In the matter of the application of William Charles Rogers for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Brackinridge he testified as follows:

Q Give me your full name. A William Charles Rogers.
Q How old are you. A I will be 31 the 15th of this month.
Q What is your post-office. A Skiatook.
Q In what district do you live. A I live in Comanche County.
Q What do you want to enroll, yourself and family. A Yes sir.
Q Have you a wife. A Yes sir.
Q How many children have you. A 2.
Q Are you a Cherokee by blood. A Yes sir, claim to be.
Q Is your wife a Cherokee by blood or a white woman. A White woman.
Q How long have you lived in the Cherokee Nation. A All my life.
Q Give me the name of your father. A Charles Rogers.
Q Is he dead. A Yes sir.
Q Give me the name of your mother. A Mary Rogers.
Q Is she dead. A Yes sir.
Q Give me the name of your wife. A Nannie.
Q How old is she. A She is 31 years old.
Q When did you marry her. A 1895.
Q What time in 1895. A 14th of February.
Q Have you a certificate of marriage. A Yes sir (Produces same).
Q Did you ever have anyone before you married her. A Nannie Gayle.
Q That was her maiden name. A Yes sir.
Q But it wasn't the name she had when you first met. A Yes sir, that was her maiden name, Nannie.
Q Now the applicant presents a certificate showing that he and his wife were married as stated by him, on February 14 1895, by the Rev. John J. Matthews; this is correct. A Yes.
Q Has she lived with you ever since she married. A In February 28.
Q Were you ever married previous to John and Nannie. A No sir.
Q Was she ever married except to you. A No sir.
Q Give me the names of your children. A William Charles Jr.
Q How old is he. A Born on the 14th of May 1897.
Q Give me the name of the next child. A Lucile.
Q What middle name. A No sir.
Q How old is that child. A Born on the 15th of last May, 1900 roll page 147-22-43 William (C) Rogers Comanche Nation Ok.
1900 roll page 248-24110 Wm C. Rogers Comanche Nation.
Applicant: My wife and I on the roll of 1896.
Q Any statement you want to make about your not being on that roll?
Just simply this: that I always thought that no white folks ought to be on there, and I didn't apply for me.

Comr Brackinridge. The Applicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1890 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood; he is shown to have married his wife February 14th 1895; they have lived together ever since; she is not identified on the roll of 1896, for the reason given by him, that he had a prejudice against having her enrolled at the time, she being a white woman; but it appears that by the act of marriage she acquired citizenship; neither she nor her husband had been previously married, and she is stated to have lived with him ever since their

William Charles Rogers et al vs

marriage; for the father's consent on all these rights under these conditions has been withheld. It is also shown a birth record was being placed as a marriage by a physician and the date of birth of the two children William S. Rogers and Lucille Rogers, are filed with the Commission. These two children will be listed for enrollment as Cherokee by blood.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in his case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 7, 1900.

Commissioner.

A.

C. D-305.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tulsa, I. T., March 12, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Winnie Rogers for the enrollment of herself as a citizen of the
Cherokee Nation.

The Applicant was notified by registered letter February 20,
1904, that her application for the enrollment of herself as a citizen
of the Cherokee Nation would be taken up for final consideration
by the Commission at its offices in Muskogee, I. T., on the 12th
day of March, 1904, and that on said date she might appear before
the Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt for said letter acknowledged by the Commission's letter,
and the applicant having, this date, to-wit: the 12th day of
March, 1904, been called, and failing to respond, it is deemed that
her case is completed, and will be reported to the Commission
for final decision based on the evidence now of record.

RECEIVED
MAR 18 1905
U. S. DEPT. OF THE INTERIOR

I, Ed. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete statement of the stenographic notes thereof.

R.

C. D-903.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Nannie Rogers for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. Receipt has been acknowledged of the Commission's letter, and the applicant having, this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 20, 1902.

In the matter of the application of William C. Rogers for the enrollment of his wife Nannie Rogers as a citizen by intermarriage of the Cherokee nation.

William C. Rogers, called as a witness, being first duly sworn by the Commission, testified as follows:

- Q What is your name? A William C. Rogers.
Q How old are you? A 52 years.
Q What is your postoffice address? A Skintock.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee nation? A All my life.
Q What is your wife's name? A Nannie Haney.
Q Her name is now Nannie Rogers? A Yes sir.
Q Is she claiming citizenship by intermarriage? A Yes sir.
Q When were you married to her? A February 14, 1895.
Q Is Nannie your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife Nannie been living together ever since you were married? A Yes sir.
Q You have never been separated, have you? A No sir.
Q And are living together now? A Yes sir.
Q Your home has always been in the Cherokee nation since you were married? A Yes sir.
Q Have you any children? A Two.
Q Both living are they? A Yes sir.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 25th, 1902.

B. D. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nannie Rogers as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, William C. Rogers appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Nannie Rogers as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Nannie Rogers was lawfully married on February 14, 1898 to William C. Rogers, a citizen by blood of the Cherokee Nation.

The evidence further shows that Nannie Rogers has lived with her husband in the Cherokee Nation since her marriage to him, and that she was a resident of the said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Nannie Rogers should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

this AUG 19 1902

Cherokee B-901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nannie Rogers as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--101--

The record in this case shows that on December 6, 1900, William C. Rogers appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Nannie Rogers as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902, and on October 20, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Nannie Rogers was lawfully married on February 14, 1895, to William C. Rogers, a citizen by blood of the Cherokee Nation.

The evidence further shows that the said Nannie Rogers has lived with her said husband continuously in the Cherokee Nation from the date of her marriage to him, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Nannie Rogers should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James H. H. Rogers
Acting Chairman.

J. B. Needles
Commissioner.

W. H. H. Rogers
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 903.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of William C. Rogers for the enrollment of his wife, Nannie Rogers, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 13.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYRESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-903.

Muskogee, Indian Territory, December 15, 1902.

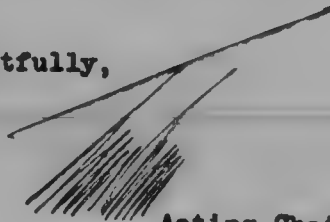
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of William C. Rogers for the enrollment of his wife, Nannie Rogers, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-243.

IN THE MATTER OF THE APPLICATION OF

Samuel P. Rogers

FOR RECOGNITION AS

CHEROKEE CITIZENS.

A. Original testimony. Dec 6 1900.

B. Memo. of application. Dec 6 1900.

C. Certificate of marriage.

Notice of final consideration, 3/12/02.

H. H. H.

Geo. S. Jackson

Cher D 904

Cher D 904

FILED

- 2 - DEC - 1900

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1. The first of these is the fact that the Commission has not yet received any information from the Government of the Democratic Republic of the Congo regarding the situation in the country. This is a serious matter, as the Commission is unable to carry out its mandate without such information.

...the fact that the *Journal of the American Medical Association* is the only journal in the world that publishes a "Letter to the Editor" section. This section is a place where doctors can express their views on the medical profession and the medical community. It is a place where doctors can voice their concerns and their hopes for the future of medicine. It is a place where doctors can share their experiences and their insights into the medical world. It is a place where doctors can find support and encouragement from their colleagues. It is a place where doctors can make a difference.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Anna Laura Craig for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breakinridge, testified as follows:

- Q Give me your full name? A Anna Laura Craig.
Q How old are you? A Thirty six.
Q What is your Postoffice? A Tahlequah.
Q Do you live in Tahlequah District? A Yes sir.
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a husband? A Yes sir, but he is in the "pen".
Q Have you been divorced from him? A No sir.
Q Do you wish to apply for him? A I had not thought anything about that.
Q Do you intend living with him when he gets out of the penitentiary? A I had not thought about that.
Q How many children have you? A Six now; My first husband and me separated; I have two by him that are with their father at Arton.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee by blood? A No sir, he is a white man.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Wellington Shirley.
Q Is he living? A No sir.
Q Give me the name of your mother? A Annie.
Q Is she dead? A Yes sir.
Q Have you been married twice? A Yes sir.
Q Give me the name of your first husband? A Brown Hitchcock.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living? A Yes sir.
Q When did you cease living with him? A I have my divorce papers at home.
Q About when? A About nine or ten years ago as nigh as I can come at it.
Q Have you a decree of divorce from him? A Yes sir.
Q What is the name of your present husband? A Joseph S. Craig.
Q White man, is he? A Yes sir.
Q When did you marry him? A About six years ago.
Q Have you a certificate of that marriage? A Yes sir, at home; I can bring it in any time.
Q You have never been married except these two times?
A That is all.
Q How old is your present husband? A Twenty nine.
Q Was he ever married except to you? A No sir.
Q When was he sent to prison? A Two years the 11th of last September. He was sent for four years.
Q Where was he sent from? A Tahlequah.
Q Where is he serving in prison? A Leavenworth.
Q Has he lived with you ever since he married you, except while in prison? A Yes sir.
Q In this trouble? A Yes sir.
Q Never ran off and abandoned you? A No sir, he never did.
Q Give me the names of these children?
A Charles D. Hitchcock.
Q How old is that child? A Eighteen years old.
Q Next child? A William A. Hitchcock.
Q How old is he? A Fifteen.
Q Next one? A Edwin O. Hitchcock.
Q How old is he? A Thirteen.
Q Next child? A Buell Craig.
Q How old is that child? A Nine years old.
Q The next child? A Leonard Craig.
Q How old is he? A He is five.
Q Next child? A Annie May Craig.

- Q How old is that child? A Three years old.
Q These children are all living now, are they? A Yes sir.

(1880 Roll, Page 809, #2804, Annie L. Shirley, Tahlequah District)
(1896 Roll, Page 1145, #405, Annie Craig, Tahlequah District)
(1896 Roll, Page 1145, #406, Ruell Craig, Tahlequah District)
(1896 Roll, Page 1145, #407, Leonard Craig, Tahlequah District)

- Q Your husband Craig: Did he marry you under Cherokee law?
A Yes sir.
Q Have you your license at home? A Yes sir.
Q Why is he not on the roll of 1896? A I do not know why.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of herself, her husband and six children: Three of the children, by a former husband, are found to have been enrolled by him. No action is taken in their case. She is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood.

Of her three children by her present marriage, the ones who have not been enrolled, the two older, Ruell and Leonard Craig, are identified with her on the roll of 1896: They are living, and will be listed now for enrollment as Cherokees by blood.

When she presents a duly authenticated certificate of the birth of her youngest child, Annie May Craig, this child also will be listed for enrollment as a Cherokee by blood.

She states that her present husband, Joseph S. Craig, is a white man and that they were married in accordance with Cherokee law six years ago: She further states that she has a Cherokee license and certificate in accordance therewith at home, which she can produce. She further states that she has a decree of divorce from her former husband, Brown Hitchcock, dating prior to her marriage to her present husband. Her present husband is at this time in a prison, as set forth in the testimony: He is not identified on the roll of 1896: Giving him the benefit of all the doubts that can enter into his case, he will now be listed for enrollment as a Cherokee by intermarriage upon a doubtful card, and the applicant is desired to supply the Commission with the Cherokee license and certificate attesting their marriage; also a copy of the decree of divorce from her first husband. She states that her present husband, Joseph S. Craig has lived with her continuously since their marriage, except during the period when he was sent to prison.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December, 1900.

COMMISSIONER.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUBJECT: PROCEEDINGS in the matter of the application of Joseph S. Gray for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation could be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application.

W. W. HUTCHINSON, being first duly sworn, and being examined, testified as follows:

My name is W. W. Hutchinson, age 35, postoffice Muskogee, Oklahoma. I am the representative of the Cherokee Nation in making the roll of Cherokee citizens. I am acquainted with the applicant, Joseph Gray. A few days before called me up over the phone and asked me to run the matter for him. He also asked me about the Act of the Cherokee Council dated December 18, 1895, and whether or not the Commission was aware of anybody who married subsequent to that time. I told him that I did not know that they were not, and he said then he could not come to the Commission's notice, because he married somebody and that I might say as much to the Commission.

The applicant, saying this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is concluded, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, W. Hutchinson, do hereby certify that as above reported to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

R.

C. D-904.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Joseph E. Craig for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application.

W. W. HASTINGS, being first duly sworn, and being examined, testified as follows:

My name is W. W. Hastings, age 35, postoffice Muskogee, Tahlequah. I am the representative of the Cherokee Nation in making the roll of Cherokee citizens. I am acquainted with the applicant, Joseph Craig. A few days ago he called me up over the 'phone and asked me what was the matter with his case. He also asked me about the Act of the Cherokee Council dated December 16, 1895, and whether or not the Commission was enrolling anybody who married subsequent to that time. I told him over the 'phone that they were not, and he said then he would not come down in response to the Commission's notice, because he married in May, 1896, and that I might say as much to the Commission.

The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph S. Craig, as a citizen by intermarriage of the Cherokee nation,

DECISION.

The record in this case shows that on December 6, 1900, Anna Laura Craig appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of Joseph S. Craig, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 22, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that on May 14, 1896, the said Joseph S. Craig was married under a Cherokee marriage license, to Anna L. Shirley. The name of Anna L. Shirley is found upon the 1880 authenticated Cherokee tribal roll in the possession of the Commission.

The evidence further shows that the applicant's wife, Anna L. Craig, had been previously married to Brown Hitchcock, from whom she states she had been divorced, but no record evidence of the divorce is filed.

Section twenty-one, of the Act of Congress, approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens:

"With such intermarried white persons as may be entitled to citizenship under Cherokee Laws".

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;—"

An Act of the Cherokee National Council, approved December, 16, 1896, provides:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 689 to Sec. 699, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

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CONTAINED IN THE FIVE SPECIMENS OF THE

[Signature]
SPECIAL AGENT IN CHARGE

[Signature]
SPECIAL AGENT IN CHARGE

Muskogee, Indian Territory,

this JUL 29 1902



HOT AND COLD WATER.

ELECTRIC BELLS

THE LEADING HOTEL OF THE CITY.

HOTEL COBB.

S. J. BURNS, Proprietor.

RATES \$2.00.

STRICTLY FIRST-CLASS.

Forty Commodious Sleeping Rooms.
Good Sample Rooms.

Vinita, Ind., Ter.,

Oct 25 1891

Ells J. S. Sauerport.
Dear Sir:

Believing
it to be the natural duty of every
Cherokee citizen to assist the Sauer
Commission in every possible
way in making a correct roll
of Cherokee Citizens - I suggest
to you that if I were summoned
before the commission I could
give material evidence in the
case of one Joe S. Craig, who
was placed on doubtful card
at Tahlequah - application for
his enrollment having been
made by his wife - (Craig is a
white man) who evidently pre-
sented to the Commission the license
and certificate of marriage of
herself and J. S. Craig prior to

THE LEADING HOTEL OF THE CITY.

HOTEL COBB.

S. J. BURNS, Proprietor.

RATES \$2.00.

STRICTLY FIRST-CLASS.

Forty Commodious Sleeping Rooms.
Good Sample Rooms.

Vinita, Ind, Ter.,

189



1884 - all of which is regular
on its face - But as I was clerk
 in the Senate at the time the rolls
 of '86 were revised by Council
 I am in a position to know
 all about this case - when the
 '86 census was taken Craig pre-
 sented himself for enrollment
 to the Census-takers of Delaware
 Dist. - and with his license and
 certificate of marriage apparently
 all right. The Census-takers enrolled
 him as a good adopted white
 citizen - but the revising com-
 mittee of Council went behind
 the marriage license - and took the
 affidavits of several of the citizens
 ("Cherokees by blood") of the recom-
 mendation to the Dist. clerk, who
 swore before me, as clerk of the

THE LEADING HOTEL OF THE CITY.

HOTEL COBB,

S. J. BURNS, Proprietor.

RATES \$2.00.

STRICTLY FIRST-CLASS.

Forty Commodious Sleeping Rooms.
Good Sample Rooms.

Vinita, Ind, Ter.,

189



Senate, that they (the signers) did not sign Craig's petition - further come sworn that they did not know the man. The revising Committee reported to the Council recommending the rejecting of J. S. Craig's name from the rolls for the reason that he they said Craig had obtained his marriage license through fraud and forgery - which the Council did, by vote - Now these are facts - and I will swear to them and give the men's names and residences whom Craig forged to his application -

Yours truly -

I. Brown Hitchcock

A. Ton D. D.

4 1/2 miles S. E.

Tdy Creek,

Del. Dist. - C. 24

ATTORNEYS:

W. W. HASTINGS,Tahlequah, I. T.
J. L. BAUGH,Cherokee, I. T.

STENOGRAPHER:

J. C. STARR,Vinita, I. T.

MARSHALS:

JOHN PARKS,Vinita, I. T.
W. B. WYLY,Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT

Please return this letter with your reply or mention this Number: D. 904

Vinita, I. T., Oct. 29, 1901.

Mr. T. Brown Hitchcock,
Afton, I. T.

Dear Sir:

Your letter to Mr. Davenport has been handed to us and we note what you say about the enrollment of Joseph S. Craig on a doubtful card. We have filed your letter with his case in our records.

Please advise us if there were any divorce proceedings granted by the court before this woman was married to Joseph S. Craig, if so give the name of the court and the date and oblige.

Yours truly,

W. W. Hastings

J. L. Baugh
Attys for the Cherokee
Nation

After J. T. Moore 12/1/90
Hastings & Raugh.

Atty at Law

Dear Sirs.

Yours of the 29th Oct. received -
I will say in reply that divorce
was granted to you from Miss
L. Hitchcock. I think about
December 1895 - by Judge Robert
L. Wyly sitting as special Circuit
Judge at Lehigh. I am not
positive of the date - but the decree
was rendered before Craig and
Miss were married - but not
before she had a child by him
which was the immediate cause
for action for divorce.

Yours respectfully,
J. Brown Hitchcock.

COMMISSIONERS
HENRI L. DAWES
TAMM BIXBY,
THOMAS B. NEEDELL,
C. R. BRECKINRIDGE

ALLISON L. AVENSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 904.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph S. Craig for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 44.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 904.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Joseph S. Craig for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,



Acting Chairman.

IN THE MATTER OF THE APPLICATION OF

Joseph S. Traug

CHIEF OF BUREAU OF LANDS

- A. Original testimony, Dec 6-1900
- B. Memo. of application Dec 6 1900
- C. Notice of final consideration, 3/12/02

Co.

Transferred to R-706

See Cherokee Jacket #62.5

Cher D 905

Cher D 905

PART OF THE INTERVIEW
 THE FIVE CIVILIZED TRIBES.
 FILED
 DEC 1900

DEC 1900

1. The NY Public Health Department has been advised that the
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALEQUAH, I. T., DECEMBER 8th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis M. Setser for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Francis M. Setser.
Q How old are you? A I am forty years old.
Q What is your Postoffice? A Talequah.
Q Do you live in Talequah District? A Yes sir.
Q What is it you want to enroll; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Five.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir, I have been living here about twelve years (Applicant hands paper to Commissioner)

Com'r. C. R. Breckinridge: The applicant presents an official copy of an Act of the Cherokee Council, approved January 3, 1891, directing that the names of certain persons, citizens of the Cherokee Nation, be placed upon the census roll of 1890: Among them, appears the name of Francis M. Setser, age at that time twenty nine years: The record gives him as a female, but he states that is a clerical error. This is filed herewith.

Q Have you lived in the Cherokee Nation ever since January 3rd, 1891? A Yes sir, except eight months when I took my wife to see a doctor.

Q Give me the name of your father? A Manuel Setser.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Martha.
Q Is she dead? A No sir.
Q Give me the name of your wife? A Julia E.
Q How old is she? A She is thirty four I think.
Q What was her name when you married her? A Bridges.
Q Was that her maiden name? A Yes sir.

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the Probate Judge of Jefferson County, Alabama, August 16th, 1884, authorizing marriage between himself and his wife. The certificate shows that they were united in marriage on the day following by the Reverend R. L. Nicholson, Minister of the Gospel. The document alluded to is an official copy, and it is filed herewith.

Q Were you ever married except to this wife? A Yes sir.
Q Was your former wife dead when you married this wife? A Yes sir.
Q Was your present wife ever married except to you? A No sir.
Q Has she lived with you ever since you and she were married?
A Yes sir.
Q Were you admitted to citizenship by the Cherokee Commission, or simply by this Act of the Council? A Act of Council.
Q There was no separate hearing given by the Commission itself?
A No sir.
Q Give me the names of your children? A Walter M.
Q How old is that child? A He is about fourteen years old.
Q Now the next child? A Martha J.
Q How old is she? A She is about nine years old.
Q Now the next one? A William F.
Q How old is that child? A He is eight years old I think.
Q Next child? A Waneja M.
Q How old is that child? A She is five years old.
Q Next child? A Albert A.
Q How old is he? A He is just a year and some few months old.
Q In this official copy you present, I see the name of Walter M.

Setser, five years old: Is that your child? A Yes sir.
 Q Also Martha J.: Is that your child? A Yes sir.
 Q Were the three younger children born after you came to the Cherokee Nation? A Yes sir.
 Q Were you remarried to your wife after you were readmitted as a citizen of the Cherokee Nation? A No sir.
 Q Are these children all living now? A Yes sir.

(1896 Roll, Page 1242, #3043, Francis Setser, Tablequah D'st)
 (1896 Roll, Page 1289, #242, Julia R. Setser, Tablequah D'st)
 (1896 Roll, Page 1243, #3044, Walter H. Setser, Tablequah D'st)
 (1896 Roll, Page 1243, #3045, Martha J. Setser, Tablequah D'st)
 (1896 Roll, Page 1243, #3046, William F. Setser, Tablequah ")
 (1896 Roll, Page 1243, #3047, Anna W. Setser, Tablequah ")
 (1894 Roll, Page 1144, #2881, Francis Setser, Tablequah ")

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, wife and ~~which~~ five children. He is shown to have been admitted as a citizen of the Cherokee Nation by Act of the Cherokee Council on January 3rd, 1891. The official evidence is filed herewith. He is identified on the rolls of 1894 and 1896: He has lived in the Cherokee Nation ever since his admission in 1891, and he will be listed for enrollment as a Cherokee by blood.

~~He is shown to have married his wife under United States law in 1884: An official copy of the license and certificate is filed herewith. He states that he was once previously married, but that his former wife was dead when he married his present wife; that his present wife was not previously married: She has lived with him ever since their marriage: She is a white woman: She is identified with her husband and children on the roll of 1896: They have not been remarried since the applicant's admission to Cherokee citizenship: In as much as the Cherokee Representatives contend that a woman not remarried under these conditions does not become a citizen of the Cherokee Nation, she will now be listed for enrollment upon a doubtful card as a Cherokee by adoption, for the further consideration of that point. The final decision of the Commission will be made known to the applicant as his Postoffice address.~~

Of the five children named in the testimony, the first four are identified with their parents on the roll of 1896: They are living, and will now be listed for enrollment as Cherokees by blood.

When a certificate is filed of the birth of the youngest child, Albert A., this child also will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December, 1900.

COMMISSIONER.

P.

C. B-100.

Department of the Interior.
Commission on the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Julia E. Saffar for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that her application for the enrollment of herself as a citizen
of the Cherokee Nation could be taken up for final consideration by
the Commission at its offices in Muskogee, I. T., on the 12th day
of March, 1902, and that on said date she might appear before the
Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt of said Commission's letter was acknowledged,
and the applicant this date, to-wit: the 12th day of March, 1902,
was called, and failing to respond, it is deemed that her case is
decided, and as a will be reported to the Commission for final
decision leave upon the entire file of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission on the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and con-
fide transcript of the stenographic notes thereof.

W.

G. 2-200.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Julia E. Souter for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that her application for the enrollment of herself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskogee, I. T., on the 15th day
of March, 1902, and that on said date she might appear before the
Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt of the Commission's letter was acknowledged,
and the applicant this date, to-wit: the 15th day of March, 1902,
been called, and failing to respond, it is deemed that her case is
completed, and same will be reported to the Commission for final
decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Julia E. Setser as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 6, 1900, Francis M. Setser appeared before the Commission at Tallahquah, Indian Territory, and made personal application for the enrollment, among others, of Julia E. Setser as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902. The other parties for whom application was made are differently classified, and are not embraced in this decision.

The evidence shows that the said Julia E. Setser was lawfully married on August 17, 1884 to Francis M. Setser, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on January 3, 1891. The Cherokee Supreme Court in the case of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The said Julia E. Setser is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Julia E. Setser has lived with her husband in the Cherokee Nation since the time of his admission to citizenship, and that she was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Julia E. Setser should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 11 1895

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 1st, 1902.

In the matter of the application of Julia E. Setzer for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-545.

W. W. HASTINGS, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. W. W. Hastings.
Q. What is your age? A. 35.
Q. What is your post office? A. Tahlequah.
Q. Are you acquainted with Julia E. Setzer, who is an applicant before the Commission for enrollment as an intermarried citizen?
A. Yes, sir.
Q. How long have you known Julia E. Setzer? A. Well, I have known her and I have known her husband about 7 or 8 years.
Q. What is her husband's name? A. His name is Frank.
Q. Citizen by blood? A. Yes, sir.
Q. Do you know when they were married? A. No. They were married--the record shows, I reckon. He was an admitted citizen. They were married prior to his admission to citizenship. She was put upon a doubtful card for that reason.
Q. When you first knew them, 7 or 8 years ago, were they living together as husband and wife? A. Yes, sir; have since that time and are now.
Q. And have ever since you have known them and were on the first of September, 1902? A. Yes, sir.
Q. Never have separated? A. No, sir.
Q. Where has Julia E. Setzer lived for the last 8 years?
A. In Tahlequah district, in the Cherokee Nation.

+++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of October, 1902.

Jesse O. Carr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia E. Setser as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on December 8, 1900, Francis M. Setser appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Julia E. Setser as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902, and on October 1, 1902. The other parties for whom application was made are differently classified, and are not embraced in this decision.

The evidence shows that the said Julia E. Setser was lawfully married on August 17, 1884 to Francis M. Setser, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on January 5, 1891. The Cherokee Supreme Court in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. F. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The said Julia E. Setser is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Julia E. Setser has lived with her husband in the Cherokee Nation continuously for eight years up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Julia E. Setser should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

Tams Bixby

Acting Chairman.

SIGNED,

T. B. Needles

Commissioner.

SIGNED,

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

SRN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 905.

ALLISON I. AVIESWORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Julia E. Setser as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 31.

COMMISSIONERS.
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYRESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-905.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

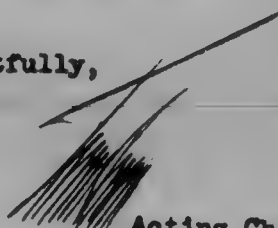
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Francis M. Setser for the enrollment of his wife, Julia E. Setser, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-246.

FOR ENROLLMENT AS
CHEROKEE CITIZENS

- A. Original testimony. Dec. 6-1900.
- B. Memo. of application. Dec. 6 1900
- C. Marriage license and certificate.
- D. Notice of final consideration, 3/12/02

See Cherokee Jacket 6220

Cher D 906

Cher D 906

22

and the name of Miss Parker appears on the census roll of 1896. Her
 sister that she was one child born A. Harkley, by her husband,
 one Parker Harkley, but she presents no proof as to its birth. Her
 name is not found on the with-hatched roll of 1890 and she presents
 no proof of admission to citizenship, having been taken to
 Kansas when a child and removing to the Cherokee strip in 1892. By
 reason of the fact that she is not found on the with-hatched roll
 of 1890 and that she does not present proof of naturalization, that
 judgment as to her case will be suspended and she will be placed on
 a doubtful case. It will also be necessary for her to furnish proof
 of birth in the United States, that A. Harkley.

COMMISSION TO THE BUREAU OF INDUSTRY
 H. I. P. I. D.
 DEC 10 1900

JOHNSTON A. HARKLEY

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 8th 1900.

In the matter of the application of Johnna D. McKelvy for the enrollment of herself and three children as Cherokee citizens. She being sworn before Commissioner Needles, testified as follows-

Q. What is your name? A. Johnna D. McKelvy
Q. How old are you? A. 27.
Q. What is your post office address? A. Claremore
Q. What district do you live in? A. Gooewescoogee.
Q. Who is it that you want to have enrolled? A. Myself and three children.
Q. What is your fathers name? A. W. P. Payne.
Q. Is he living? A. No sir.
Q. What is your mothers name? A. Mary A. Payne.
Q. Is she living? A. Yes sir.
Q. What are the names of your children? A. Lewis G. Purkey.
Q. How old? A. 7.
Q. Next child? A. Effie Purkey.
Q. How old? A. 4.
Q. Next child? A. Edna A. McKelvy.
Q. How old? A. One year.
Q. Are you married? A. Yes sir.
Q. What is your husbands name? A. Perkio McKelvy.
Q. Is he a Cherokee citizen? A. No sir.
Q. Is your name on the roll of 1880? A. No sir.
Q. By what right do you claim enrollment? A. We were admitted.
Q. Were you re-admitted by the Cherokee council? A. They told us that we was but they didnt give us any papers.
Q. You will have to provide us with a certificate showing that you were admitted.
Q. What was your name in 1880? A. Purkey.
Q. Was that your former husbands name? A. My first husbands name.

1896 roll, page 233, No 3808, Anna Perkey, Gooewescoogee dist.
1896 233 3809 Lewis Perkey "
1896 233 3810 Effie L. Perkey "

Q. Have you any proof of birth to file for this youngest child? A. Yes sir.
Q. Please present it. A. I have my mother here, she was present when the child was born.

1894 roll, page 1118, No 2305, Johnna Perkey, Tahlequah dist.
1894 1118 2306 Lewis G. Perkey "

Q. What was your first husbands full name? A. David W. Purkey.
Q. You say your name is not on the roll of 1880? A. No sir.
Q. Why? A. We was not here.
Q. Where were you? A. In Kansas.
Q. How long have you lived in the Cherokee Nation? A. Eight years.
Q. Never lived in the Cherokee Nation until eight years ago? A. I was quite small when they taken me away.
Q. Where was you born? A. In the Cherokee Nation.
Q. Were you married in Kansas? A. Yes sir.
Q. Were these children born in Kansas? A. No sir in the Cherokee Nation

The name of Johnna D. McKelvy appears on the 1896 census roll as Anna Perkey, and on the pay roll of 1894 as Johnna Perkey. She avers that her maiden name was Payne. Her father being now deceased, and her mother is living. Her first husbands name was David W. Purkey by whom she had two children, Lewis G. and Effie Purkey and the name of Lewis G. appears on the census roll of 1896 and the pay roll of 1894

and the name of John McKelvy appears on the census roll of 1880. She avers that she has one child John A. McKelvy by her last husband, one John McKelvy, but she presents no proof as to his birth. Her name is not found on the authenticated roll of 1880 and she presents no proof of admission to Cherokee citizenship, having been taken to Kansas when a child and moving to the Cherokee Nation in 1884. By reason of the fact that she is not found on the authenticated roll of 1880 and that she does not present proof of her admission, final judgment as to her case will be postponed and she will be placed on a doubtful case. It will also be necessary for her to furnish proof of birth as to her youngest child, John A. McKelvy.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 6th of December, 1900.

Chas von Weise

W. H. Mearns

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wash., D. C. March 12, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
John Samuel H. Hefley, for the enrollment of herself and children as
citizens of the Cherokee Nation.

Appearances:

Callaway and Sequichie, attorneys for the applicant.
R. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20,
1903, that her application for the enrollment of herself and chil-
dren as citizens of the Cherokee Nation would be taken up for final
consideration by the Commission at its office in Cherokee, I. T.,
on the 17th day of March, 1903, and the applicant this date, to-wit:
the 15th day of March, 1903, appeared by her attorneys Callaway and
Sequichie.

The agent for the Cherokee Nation requests that the statement of the
attorney made in the matter of the application of Silas W. Payne,
Cherokee Card D-997, be filed and made part of the record in
this case, which is done and the statement being as follows:

The attorney for the Cherokee Nation desires to submit the case on
the evidence now of record, and to be allowed to file
an Act of the National Council of 1902, ordering the name of Silas W.
Payne placed upon the roll of the Cherokee at that year.

The attorney for the applicant and the representative of the
Cherokee Nation present at the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record. In addition to heretofore copy
of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen
days in which to file brief, one copy to the Commission, and one
copy with the representative of the Cherokee Nation.

The agent of the applicant and the representative of the
Cherokee Nation present await the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record.

The agent for the applicant requests and will be granted fif-
teen days in which to file brief in the case, one copy with the
Commission, and one copy with the representative of the Cherokee
Nation.

W. H. Hutchinson, Attorney for the Cherokee Nation, as stated above to
the Commission to the Five Civilized Tribes, I correctly received
the proceedings in this case, and that the foregoing is a true and
correct copy.

R.

C. D-906.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Jehnsana D. McKelvey for the enrollment of herself and children as citizens of the Cherokee Nation.

Appearances:

Callaway and Sequichie, attorneys for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 12th day of March, 1902, and the applicant this date, to-wit: the 12th day of March, 1902, appears by her attorneys Callaway and Sequichie.

The agent for the applicant requests that the statement of the attorney made in the matter of the application of Silas D. Payne, Cherokee Card D-907, be filed with and made part of the record in this case, which is done accordingly, the statement being as follows:

"The attorney for the applicant desires to submit the case on the evidence now of record, with permission to be allowed to file an Act of the National Council of 1896, ordering the name of Silas D. Payne placed upon the rolls of the Cherokees of that year.

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record, in addition to certified copy of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen days in which to file brief, one copy with the Commission, and one copy with the representative of the Cherokee Nation."

The agent of the applicant and the representative of the Cherokee Nation present submit the case, and the same is considered completed and will be reported to the Commission for final decision based upon the evidence now of record.

The agent for the applicant requests and will be granted fifteen days in which to file brief in the case, one copy with the Commission, and one copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

mdg

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 904,
D 907 and D 769

ALLISON L. AYRESWORTH,
SECRETARY

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 2, 1903, granting the applications for the enrollment of Mary A. Payne, Silas D. Payne, Johnzana D. McKelvey, Edna A. McKelvey and Effie Perkey, and dismissing the application for the enrollment of Lewis C. Perkey, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 10, 1904.

Respectfully,



Commissioner in Charge.

(C O P Y)

Land
8200-1906

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON .

-Copy-

February 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 10, 1904, I. T. D. 7762-1903, affirming the decision of the Commission to the Five Civilized Tribes, of March 2, 1903, favorable to the applicants embraced in the consolidated application for enrollment as citizens of the Cherokee Nation, of Mary A. Payne, et al., there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 23, 1906, transmitting affidavits of Johnanna D. McKelvey, mother of Lewis C. Perkey, and Mary A. Payne, who was a party to the case mentioned, which shows that said Lewis C. Perkey died on May 1, 1902.

Section 25 of the Cherokee Agreement provides that:

The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

Mr. Bixby recommends that the department's decision of March 10, 1904, so far as it relates to applicant Lewis S. Perkey, be rescinded, and that he be authorized to take proper steps to winning the application for enrollment of said child as a citizen of the Cherokee Nation. He requests that the affidavit enclosed be returned.

Inasmuch as said Perkey died prior to September 1, 1902, he is not entitled to enrollment, and the office concurs in the recommendation of the Commissioner to the Five Civilized Tribes.

Very respectfully,

C. F. Larrabee,
Acting Commissioner

GAW-GH

3 Enclosures.

(C O P Y)

Y.P.
FHM

SECRETARY'S OFFICE.

DEPARTMENT OF THE INTERIOR .

D.C. 7550-1906
I.T.D. 2846-1906
L R S

WASHINGTON, D.C.

February 21, 1906

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

March 10, 1904, the Department affirmed the decision in favor of Lewis C. Perkey, in the Cherokee enrollment case of Mary A. Payne, et al., rendered by the Commission to the Five Civilized Tribes.

January 23, 1906, you recommended that said decision, so far as it relates to Lewis C. Perkey, be rescinded, affidavits having been furnished, which you inclosed, one by the mother of said Perkey, filed with the Commission to the Five Civilized Tribes the date of execution, October 5, 1903, showing the death of Perkey May 1, 1902.

The Indian Office, reporting in the matter February 16, 1906, concurs in your recommendation.

The Department also concurring, the decision of March 10, 1904, is hereby rescinded, as to Lewis C. Perkey, and you are authorized to dismiss the application for the enrollment of said child as a citizen of the Cherokee Nation.

The affidavits mentioned are inclosed herewith, together with a copy of the Indian Office letter.

Respectfully

THOS RYAN
First Assistant Secretary

REFER IN REPLY TO THE FOLLOWING
Cherokee-10895.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of February 21, 1906, in which its decision of March 10, 1904, granting the application of Jehnneana D. McKelvey for the enrollment of herself and children as citizens by blood of the Cherokee Nation, is rescinded as to Lewis C. Perkey and authority granted to dismiss the application for his enrollment, he having died prior to September 1, 1902.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. 3-75

Acting Commissioner.

FOR ENROLLMENT AS
CHEROKEE CITIZENS.

A Original testimony, Dec. 6, 1900.

B Memo. of application.

C Birth affidavit. - Edna A. McIlwain

D Receipt for testimony.

E Notice of final consideration 3/12/05

Cher D 907

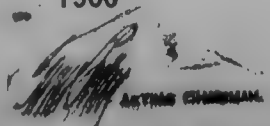
Cher D 907

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

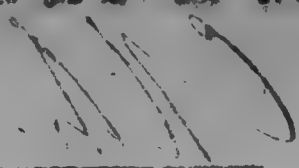
DEC. 1900

-3-


ACTING CHAIRMAN

R. H. Granger, Acting Chairman, before whom, before a notary public, the following testimony was given in the case of the Five Civilized Tribes, to wit: That the following is a true and correct statement of the facts as stated by the witness.

Subscribed and sworn to before me this 7th day of December, 1900.



NOTARY PUBLIC

2907

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TALLAHQUAH, I.T., NOVEMBER 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Silas D. Payne for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Silas D. Payne.
Q How old are you? A I am thirty.
Q What is your occupation? A Hudson.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes sir.
Q ~~How~~ Is your wife a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir.
Q How long? A I was born and raised here until I was seven years old I think; then moved to Kansas and lived there until 1892: I was born in 1870.
Q And then did you come back here? A Yes sir.
Q Have you been here ever since? A Yes sir.
Q Give me the name of your father? A William P. Payne.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Mary Alice Payne.
Q Is she dead? A ~~Yes sir.~~ No sir.
Q How long since your father died? A He died in September '93.
Q Where did he die? A In Tallahquah.
Q Did he go to Kansas? A Yes sir.
Q Took you up there? A Yes sir.
Q Came back in 1892? A Yes sir.
Q And brought you? A Yes sir.
Q Did he live all his life in the Cherokee Nation until he went to Kansas? A Yes sir, born and raised here.
Q Was he a Cherokee or white man? A Cherokee.
Q What is your mother? A Cherokee.
Q Did she live with your father until he died? A Yes sir.
Q What was your father doing in Kansas? A Black smith.
Q Did he go there for the purpose of making his home?
A I can not tell you what he went for: We were all small when he went there.
Q Did he send you to school? A Yes sir.
Q How old was the youngest one when you came back? A The youngest when we came back was about fourteen.
Q Give me the name of your wife? A Essie D.
Q How old is she? A She is twenty two.
Q When did you marry her? A I married her in May, 1896.
Q Have you a certificate of marriage? A No sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q You married her here in the Cherokee Nation? A Yes sir.
Q Give me the name of her father? A Ed R. Starr.
Q Is he living? A No sir.
Q Give me the name of her mother? A Rachel P. Starr.
Q Is she living? A Yes sir.
Q Give me the name of your child? A Silas Barret Payne.
Q How old is that child? A A little over a year old now. Will be two years old in January.

By Mr. W. B. Rushman, Cherokee Representative:

Q You went to Kansas about 1877, did you not? A About 1877 or '78, I do not remember which.

Gen'r. C. R. Breckinridge:

Q Was your father readmitted to citizenship when he came back?
A No sir, he went before the Council in 1892, but he never got any papers.

Q Did you ever apply to the Dawes Commission for admission?
 A No sir.
 Q Did your father have any interests back here when he was in Kansas? A He still had a farm at Illinois.
 Q Do you still own this farm? A No sir; my uncle sold that while we were gone.
 Q And when you came back, you took up new farms, did you?
 A Yes sir.
 Q Neither you, nor your father nor mother are on the roll of 1880?
 A No sir.
 Q You were not here? A No sir.

(1896 Roll, Page 233, #3807, Silas D. Payne, Geowenocowee District)
 (1880 Roll, Page 180, #2764, Delila Starr, Geowenocowee D't)
 (1896 Roll, Page 228, #3643, Delilah Payne, Geowenocowee D't)

Q Did you not get a certificate of marriage? A No sir. Under the Cherokee laws two Cherokee citizens did not have to have a certificate: We had witnesses and everything.
 Q Is there any one here who knows you were married?
 A Yes sir, my mother.

Mary A. Payne, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Mary A. Payne.
 Q How old are you? A Fifty two.
 Q What is your Postoffice? A Claremore.
 Q Are you the mother of the applicant here? A Yes sir.
 Q Is this his wife sitting here? A Yes sir.
 Q What is her name? A Her maiden name was Susan Starr.
 Q About when were they married? A About 1895. Somewhere along there.
 Q Have they lived together as man and wife ever since? A Yes sir.

APPLICANT RECALLED:

COM'R. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and one child. He states that he lived in the Cherokee Nation until he was seven years of age, and then was taken to the State of Kansas by his father. He states that he was born in the Cherokee Nation and that he returned with his father in 1892, and has resided here ever since. The dates given by him would take him and the family out of the Cherokee Nation prior to the making of the roll of 1880, and none of them are found on that roll. He states that his father applied to the Cherokee Council or Commission for readmission, but that so far as he knows, no action was ever taken upon their papers. He is identified on the roll of 1896 as a native. It appears that he returned to the Cherokee Nation with his father and the family very soon after he had reached his majority. For the further consideration of his rights; especially as to whether he delay outside of the Cherokee Nation was sufficiently long to forfeit whatever rights he may have enjoyed as a minor, he will now be listed for enrollment as a Cherokee by blood upon a doubtful card.

His wife is identified on the rolls of 1880 and 1896, as a native Cherokee: She has lived in the Cherokee Nation all her life: Her change of name arising from marriage is established by the testimony of the applicant and his mother, and she will now be listed for enrollment as a Cherokee by blood.

When a certificate of birth of the child, Silas P. Payne, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood.

E. S. Graham, being sworn, states that as stenographer to the Commission on the First Civil War Trials, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

E. S. Graham

Subscribed and sworn to before me this 7th day of December, 1900.

W. H. Murray

COMMISSIONER.

COMMISSION TO THE LIVE OAKS
DEPARTMENT OF THE INTERIOR

SEP 11 1901
K. T. N. D.

- 2 -
Evidence I would have to find that is what I want to find out.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Live Oaks, he has correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of September, 1901.

M. J. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 9, 1901.

In the matter of the application of Silas D. Payne for enrollment as a Cherokee by blood.

Supplemental testimony behalf of applicant.

Appearances:

Applicant present in person:

J. L. Baugh, Cherokee Representative.

Silas D. Payne, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Silas D. Payne.

Q What is your postoffice address? A Kennison.

Q How old are you? A 31 years old.

Q You were an applicant before this Commission on the 6th day of December, 1900, were you? A At Tahlequah, yes, sir.

Q Did your father ever apply to the Cherokee National Council for readmission to citizenship? A I think he did.

Q What action was taken by the Council? A There was no action taken; my mother made an application the next year, my father died and there was no action taken the year he made the application.

Q What action was taken on the application made by your mother?

A Here it is right here in these papers (handing Commission papers.)

Q What was your mother's name? A Mary A. Payne.

Commission: The applicant presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that the name of William Payne appears on the Old Settler Cherokee rolls taken in 1851.

Q Are you the identical William Payne whose name appears upon that old settler roll? A No, sir, I am one of his boys.

Q That was your father? A Yes, sir.

Commission: This is filed herewith. Applicant also presents a certificate from B. W. Alberty, Assistant Executive Secretary, Cherokee Nation, certifying that certain names are to be found upon the receipt roll made on the payment of the per capita money under the provisions of the Act of the National Council dated November 17, 1874. Among the named mentioned appears that of W. P. Payne.

Q Is the W. P. Payne who is mentioned in this document your father?

A Yes, sir; Elias, that is my name, they just got it changed.

Q Therealso appears the name of one Elias B. Payne, which the applicant states is his own. How does it happen that your name appears to that certificate as Elias B. Payne? A They have just got it changed in that certificate, Mr. Alberty said he supposed it was put down when he made the roll, is all I know.

Q Did you ever have a brother named Elias? A No, sir.

Q What was your mother's name? A Mary A. Payne.

Q Did you have a sister named Susan? A Yes, sir.

Q A brother J. W. Payne? A Yes, sir.

Q And a sister named Joanna, and another brother named Elias A.?

A Yes, sir.

Commission: These documents will also be filed. The applicant also presents a certificate from J. T. Parks, Executive Secretary of the Cherokee Nation, to what purports to be a true and correct copy of the records of the National Journal as found upon pages 84 and 85, so far as the same relates to the parties mentioned therein. This document will also be filed.

Q Now is there any other document that you desire to introduce in evidence? A That is all I have here, I didn't know what other

MASS

SAVON

VAL

VAL

APR 1904

... ..

... ..

[Signature]

... ..

[Signature]
... ..

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., March 10, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Felix L. Payne for the enrollment of himself as a citizen of the
Cherokee Nation.

Whereas:

Felix L. Payne, Attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration
by the Commission at its office in Washington, D. C., on the 10th day
of March, 1902. Receipt has been acknowledged of the Commission's
letter, and the applicant, this date, to-wit: the 10th day of
March, 1902, appears by his attorney, A. T. Callaway.

The attorney for the applicant desires to submit the case on
the evidence now of record, with permission to be allowed to file
an Act of the National Council of 1894, ordering the name of Felix L.
Payne placed upon the rolls of the Cherokee of that year.

The attorney for the applicant and his witnesses, native of the
Cherokee Nation present, and the case, and the case if considered
completed and will be reported to the Commission for final decision
taken upon the evidence now of record, in addition to, certified
copy of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen
days in which to file brief, one copy with the Commission, and one
copy with the representative of the Cherokee Nation.

I, W. B. Hutchinson, do hereby certify that the foregoing is a true and
correct copy of the original as recorded in the files of the
Commission to the Five Civilized Tribes, and that the foregoing is a true and
correct copy of the original as recorded in the files of the
Commission to the Five Civilized Tribes.

R.

C. D-907.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Silas D. Payne for the enrollment of himself as a citizen of the
Cherokee Nation.

Appearances: A

A. H. Callaway, attorney for applicant.

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration
by the Commission at its offices in Muskogee, I. T., on the 12th day
of March, 1902. Receipt has been acknowledged of the Commission's
letter, and the applicant this date, to-wit: the 12th day of
March, 1902, appears by his attorney, A. H. Callaway.

The attorney for the applicant desires to submit the case on
the evidence now of record, with permission to be allowed to file
an Act of the National Council of 1896, ordering the name of Silas D.
Payne placed upon the rolls of the Cherokees of that year.

The attorney for the applicant and the representative of the
Cherokee Nation present, submit the case, and the same is considered
completed and will be reported to the Commission for final decision
based upon the evidence now of record, in addition to, certified
copy of Act of Council to be filed by attorney for applicant.

Attorney for applicant requests and will be granted fifteen
days in which to file brief, one copy with the Commission, and one
copy with the representative of the Cherokee Nation.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm Hutchinson

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony, Dec. 6, 1900

B Memo of application.

C Copy of grand jury record journal of Cherokee Nation.

D Copy of grand jury record journal of Cherokee Nation.

E Copy of grand jury record journal of Cherokee Nation.

F Supplemental testimony, Sept 9, 1905

G Notice of final consideration, 3/12/02

H Receipt for testimony

I Order, showing testimony, 4/2/02

J Cherokee Jacket 62 & 1, 10769

Cher D 908

Cher D 908

CO.,

PROPERTY OF THE U.S. DEPT. OF JUSTICE
AND THE FIVE CIVILIZED TRIBES.

FILED

DEC 8 1900

ACTING CLERK

SPB P

DOUBTFUL:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLIQUAH, I.T.; DECEMBER 7th, 1900.

In the matter of the application of Richard M. Looker for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Looker being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Richard M. Looker.

Q What is your age? A 33 years old.

Q What is your post office address? A Talala, Indian Territory.

Q What district do you live in? A Coowascoowee.

Q Are you a recognized citizen of the Cherokee Nation? A Always have been, yes, sir.

Q Are you now? A Yes, sir.

Q Whom do you want to enroll? A I want to enroll Lola Looker.

Q Have you got a wife? A Yes, sir.

Q Yourself, wife and family? A Yes, sir.

Q What is the name of your wife? A Willie May.

Q Is she a citizen of the Cherokee Nation? A No, sir, intermarried.

Q What was her name before you married her? A McKennon.

Q Have you a certificate of marriage? A Yes, sir.

Com'r:--Applicant presents a certificate of marriage certifying that he was married to one Mamie McKennon on the 7th day of January, 1898, by J. M. Kelley, Clerk of Coowascoowee district.

Q Your wife's name is Willie May, you say? A Yes, sir.

Q This says Mamie? A Yes, that is the way the license was.

Q What is the name of your children? A Lola Ruth.

Q How old is she? A Four years old.

Dallas C.

Q Dallas C. is two years old? A Yes, sir.

John C., one year old.

Q Is your name on the roll of 1880? A No, sir.

Q By what right do you claim citizenship? A I was readmitted here.

Com'r:--Applicant presents a certified copy of an act to readmit to citizenship Margaret S. Looker and others; said act having been approved by William Lusk, Principal Chief of the Cherokee Nation, in '72, November 22. The correctness of the same is certified to under the seal of the Cherokee Nation, by J. L. Hayes, Asst. Executive Secretary.

Q In said certificate I find the name of R. M. Looker; are you the identical . . . Looker mentioned in this certificate? A I am.

Q You were admitted in 1872, how does it happen that your name is not on the roll of 1880? A I was not here in 1880.

Q When did you remove to the Cherokee Nation? A I come here in 1885, November.

Q How old were you when you come here? A I was about 18.

Q Have you been living here continuously since 1885? A Yes, sir. I have always made this my home.

Q How long did you live out? A I just went out; I have been out of here for a year at a time.

Q When was the last time you went out? A I went out of here in '94, I guess.

Q With your family? A No, I was not married.

Q Have you been living here ever since you married? A Yes, sir.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative.

Q How long did you stay here in 1885 when you removed to the Cherokee Nation? A I staid here until '87 or '88.

Q Then where did you go? A To Texas.

Q Where you formerly lived? A Yes, sir, that is where I was born.

Q How long did you stay down there that time? A About eight months I guess.

Richard M. Locker--2.

Q Then you came back to the Cherokee Nation? A Yes, sir.

Q That was in 1888? A I do not remember, it was in 1888 I think when I went down there.

Q When was it you came back? A I guess it must have been '89 I come back in.

Q How long did you remain here that time? A I do not remember just how long I did stay that time, I guess I was here about a year.

Q And then you went back to Texas? A Yes, sir.

Q And well then, how long did you stay in Texas that time? A About three months, I just went down on a visit.

Q When did you mother come to the Cherokee Nation? A My mother, let me see, I could not tell you, she come here several times. The last time she was here I guess it must have been in; she lived here in 1876 and '77; she died in Texas.

Q When did she die? A I guess she died along in 1878 or '79.

Q Did your father ever remove to this country? A My father is dead.

Q When did he die? A He died in 1885 or '83.

Q Whom did you live with when you come up here in 1885? A I lived with Thol Nicholson.

Q That is his post office? A Allure.

Q Does he live there now? A No, sir, he is dead.

Q When were you born? A I was born in '67.

Q Have you lived here ever since you were married in 1895? A Yes, sir, I have not been out of the Cherokee Nation since I have been married except a day of such matter.

Q Is your wife a white woman? A Yes, sir.

1896 Roll; page 201, #2900, Richard M. Locker, Coowaseeocowee.

1896 Roll; page 313, #612, Ella M. Locker, Coowaseeocowee.

1896 Roll; page 201, #2901, Lola M. Locker, Coowaseeocowee.

Q By COMMISSION NEEDLES; Are those children alive and living with you at this time? A Yes, sir.

Q Have you lived with your wife continuously since you married her? A Yes, sir.

Q Are you her first husband? A Yes, sir.

Q Is she your first wife? A Yes, sir.

Com'r Needles:--The name of Richard M. Locker appears upon the census roll of 1896. He makes satisfactory proof of his marriage to one Willie May McKennon, a non-citizen, on the 7th day of January 1895, and her name appears upon the census roll of 1896. His oldest child, Lola, appears upon the census roll of 1896 and he makes satisfactory proof of birth of two children, William C. and John C., whose names do not appear upon the census roll of 1896; they having been born since the same was compiled. The name of Richard M. Locker is not upon the authenticated roll of 1890, but he presents a certificate of admission certifying that he was admitted to Cherokee citizenship in the year 1872, said certificate being more particularly described in the testimony. Because of the testimony as to his residence and no proof as to his readmission being produced, final decision as to the enrollment of said Locker as a Cherokee citizen by blood, and his wife, Willie, as a Cherokee by intermarriage and his three children as enumerated herein, will be suspended and their names will be placed upon a doubtful card.

---o-o-o-o-o-o-o---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Richard M. Locker---3.

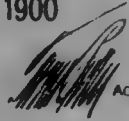
Subscribed and sworn to before me this 6th day of December, 1900

A handwritten signature in dark ink, appearing to be "J. H. [unclear]", is written over a horizontal line.

Commissioner

8701
DEPARTMENT OF THE INTERIOR
COMMISSION ON TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 7 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

33 Richard M. Locker Date DEC -7 1900 1900.
 Name Salda S. S.
 District COOWEESCOOWEE. Year 1896 Page 201 No. 2900

Citizen by blood 1900 Mother's citizenship
 Intermarried citizen no
 Married under what law Date of marriage

License Certificate
 Wife's name William M. Locker
 District COOWEESCOOWEE. Year 1896 Page 313 No. 612

Citizen by blood no Mother's citizenship
 Intermarried citizen yes
 Married under what law Date of marriage

License Certificate

Names of Children:

3 Lola R. Locker	Dist. COOWEESCOOWEE	Year 1896	Page 201	No. 2901	Age 1
4 Dallas C. "	Dist. "	Year "	Page "	No. "	Age 2
5 John S. "	Dist. "	Year "	Page "	No. "	Age 1
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "
	Dist. "	Year "	Page "	No. "	Age "

and 5 Birth affidavits supplied

20
STREET, NEW YORK, N.Y.
JAN 1 1901

COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

WAB T 1801
H I F H D

ACTING CHIEF

Q You stated that you had seen
Charles, didn't you?
A Yes, I had seen him.
Q Did he look like the man
you saw at the bar?
A That is right.

By Mr. [Name], I have asked you
Q Your son was born about
last of November.

Q Your son was born in
A Yes, sir.

Q You said that you had seen
him at the bar, didn't you?
A Yes, I had seen him.
Q He was travelling around.

Q George Henry T. [Name]:

Q The first time I saw him was

Q When was that, in 1899, or

half or so ago?

Q About that time, I think.

Q When you saw him at the bar,

A Yes, sir.

Q Then you had seen him before

here, hadn't you?

Q When you saw him at the bar,

anywhere?

Q What time was that?

A About 1899.

Q Is that right?

A Yes, sir.

SUPPLEMENTAL - TESTIMONY

"D" #661 & "D" #908.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., ~~March 1st~~ March 1st, 1901.

IN THE MATTER OF THE APPLICATION OF Martha L. Harris: "D" #661 & R. W. Locker "D" #908.

MARY H. NICHOLSON being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A Mary H. Nicholson.
Q What is your age? A Sixty five.
Q What is your Postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Robert Harris? A I know of him, yes sir.
Q Do you know Martha L. Harris? A Yes, sir, her mother was a niece of my husband's.
Q Well, state anything you may know in regard to Mr. Harris' wife, Martha L. living in Texas.
A Cal Locker was her father and Margaret was her mother; they moved away from our house.
Q Where was that; in the Cherokee Nation? A Yes, sir; they built them a house on my place and was going to live there.
Q Who was that? A The mother and father of this man's (Harris') wife; they lived there until Spring; he plowed his ground over one time; her health gave way and they took her to Texas; she had dropsy and some lung trouble, and she did not live very long.
Q Who did not live very long? A Margaret Locker, the mother of this girl (Martha L. Harris.) She did not live very long; I suppose this girl was not more than twelve years old when her mother died. He (Cal Locker) thought they would come back if she regained her health, and she died and he never did come back.
Q When did Martha L. come back? A About thirteen years ago.
Q Was she married when she came back? A Yes, sir.
Q Married to Mr. Harris? A Yes, sir.
Q Do you know anything about their marriage? A No, sir, I don't know; they married in Texas.
Q Did they marry afterwards in the Cherokee Nation? A That's what he told me.
Q You do not know yourself? A No, sir.
Q You say that Martha L. was a minor when she was taken away by her father? A Yes, sir, about twelve years old.
Q When she came back, she was married? A Yes, sir and had about three children.
Q Came back about thirteen years ago? A Yes, sir.
Q Do you know how old she was when she came back? A No, sir, I don't know just exactly.

ROBERT HARRIS, being sworn and examined by Commissioner, T. B. Needles testified as follows:

Q Mr. Harris how old was your wife when you married her?
A About seventeen.
Q How long did you live in Texas before you removed to the Cherokee Nation with her? A We lived there about five years and then we came here, and I put down a place and started improvements; her health got so bad; she was affected like her mother; and we travelled around about a year.
Q About how old was she when you first removed with her; about twenty two years old? A Yes, sir.
Q She had two children then? A Yes, sir.
Q Born in Texas? A Yes, sir.
Q The remaining children you apply for were born in the Cherokee Nation, were they? A Yes, sir.

7-10-68

Q But you have not filed any proof of that? A No, sir, I have not sent for the certificate; I have just neglected it; I can get that any time.

Q Your wife was born about 1908, was she not? A Yes, sir, to the best of my knowledge.

Q You married her in Texas about 1933? A Yes, sir.

Q And you came here about 1892, permanently? A Yes, sir. I came here and stayed a couple of years, and her health got bad and I travelled around.

Q The first time you came was in 1892? A No, sir; 1887.

Q And then you travelled around for health? A Yes, sir.

A Yes, sir.

Q When you were travelling, did you establish a permanent residence anywhere? A No, sir.

Q How long? A About two years or something like that.

Q Is he married now? A Yes, sir.

Q Do you know R. M. Looker? A Yes, sir.

Q Is your testimony in regard to his removal and return the same as of Martha L. Harris? A Yes, sir.

Q And they returned at the same time? A I think he returned a short time before.

Q Was he married when he came back? A No, sir, he came back under age.

Q Has he married since? A Yes, sir.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of March, A. D., 1901.

CONFIDENTIAL

Q. I don't just remember the man's name.

tion to the Commission, based upon the evidence now submitted.

... ..

proceedings in this case, and the
plate transcript of my stenographic notes thereof.

UNIVERSITY OF MICHIGAN LIBRARY

1005

Handwritten signature: John T. ...

R.

C. D-988.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Richard M. Locker for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

A. S. McKennon, South McAlester, I. T., for the applicant.
W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 12th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this date, to-wit: the 18th day of March, 1902, appears in person and by his attorney, A. S. McKennon, South McAlester, Indian Territory.

RICHARD M. LOCKER, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON: What is your name?

MR. LOCKER: Richard M. Locker.

Q. What is the date of your birth? A. August 22, 1867.

Q. The record in this case shows that you were admitted to Cherokee citizenship November 22, 1872. You were then about five years old?

A. Yes sir.

Q. When did your family move to the Cherokee Nation? A. Moved there in 1872, along in that year or the year before.

Q. Either in 1872 or the year before? A. Yes sir.

Q. How long did they live here continuously? A. Lived here then until 1877 or 1878.

Q. Where did they then go? A. Moved to Texas.

Q. Why? A. Father moved there on account of mother's health, moved back there on account of father's health.

Q. Was it the purpose of your father to return in case she recovered her health? A. Yes sir.

Q. Did she recover her health? A. No sir, she died there.

Q. When? Along about 1879, 1878 or 1879.

Q. How long after the family left here. A. It was something near a year, I guess.

Q. When your father left here had he any improved land, or any other effects of any kind, or any property of any kind?

A. Yes sir, he had a place that was improved.

Q. Did he live with her when he left? A. Yes sir.

Q. Had he disposed of it then? A. No sir, I think not.

Q. Did he return to the Territory at all? A. No sir, he did not.

Q. Why? A. He died in Texas, died in 1883 or 1884.

Q. Do you know whether he had purposed to return to the Territory?

A. Yes sir, he said he did.

Q. What did he say about it?

The foregoing question was objected to by Mr. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The objection will be noted.

MR. HASTINGS: A further objection is urged by the representative of the Cherokee Nation that this man will depend upon himself, and not upon his father, as his father died in the State of Texas, and the Cherokee Nation contends that this man forfeited his rights to citizenship by his own stay in Texas, and not that of his parents.

MR. MCKENNON: Go on and state what he said about it.

A. He said that he intended to bring us children back here. That it was his intention to send us to school.

Q. Cherokee school? A. Yes sir.

Q. When did you return to the Territory?

A. In 1885.

Q. How old were you then? A. About eighteen or nineteen.

Q. How long did you remain here then? A. I have got this for my home ever since.

Q. Were you enrolled as a Cherokee, and if so, when? A. After my mother died, you mean?

Q. Yes? I was enrolled in 1884.

Q. Have you been away from here since that time?

A. Yes sir. I went to Texas to visit. I visited in Texas.

Q. State when, and how long you remained. A. That would be hard for me to do. I don't remember just when or how long. I went there several times. I went to Texas in 1888, I believe, to the best of my recollection.

Q. When were you married, what date?

A. Seventh day of January, 1895.

Q. Have you ever been out since that time? A. No sir.

Q. Have you resided here continuously since that time? A. Yes sir.

Marriage certificate shows date January 7, 1895.

Q. Did you then establish your household here? A. Yes sir.

Q. And have maintained it ever since? A. Yes sir.

Q. Have you had any other home since you came in in 1895?

A. No sir.

Q. Have you ever voted in the State of Texas? A. No sir.

Q. Never exercised the rights of citizenship there at all?

A. No sir.

Q. From 1885 until you married in 1895, what did you do when you were here? A. I worked on the farm, just whatever I could get to do.

MR. HASTINGS: Ever voted in the State of Tennessee? A. No sir.

Q. Ever voted in North Carolina? A. No sir.

Q. Ever voted in Missouri? A. No sir.

Q. When did you vote in the Cherokee Nation?

A. I voted here-- I could not tell what years. All of them voted, I believe, in 1886.

Q. Who did you vote for in 1886?

A. Voted for-- the first time I voted it was the year Rabbit Bunch and Joe Lahay was running for office. I don't know what year.

Q. Were they running for chief? A. Yes sir.

Q. Joe Lahay never ran for Chief. A. If I said Joe Lahay I miscalled the name.

Q. You said a while ago that your father left the farm, that was in the Cherokee Nation? A. Yes sir.

Q. All the land that is within the boundary of the Cherokee Nation is still here? A. Yes sir.

Q. What became of the improvements? A. I don't know.

Q. Did it revert to the public domain? A. I don't know.

Q. Your father just left it and went off? A. He left it, but he didn't just leave it wide open.

Q. What became of the farm? A. He left it in charge of old lady Brown.

Q. Somebody jumped it and took it? A. I don't know whether they did or not.

Q. You have never seen it? A. No sir.

Q. Never had of the proceeds from it? A. No sir.

Q. Where were you born? A. In Texas.

Q. How long were you up here after 1872, when you were admitted? A. Went back in 1877 or 1878.

Q. Did you stay here continuously from 1872 to that time? A. Yes sir.

Q. Then you came back in 1885? A. Yes sir.

Q. You testified before that you went back to Texas in 1888 or 1889, is that correct? A. I testified that I came here in 1885.

Q. How long did you stay down there that time? A. I could not tell you just how long I stayed.

Q. Your best judgment. I was there about something near a year, I guess.

Q. What did you do there? A. Went down to visit.

Q. Visit that year, or work down there?

A. Visited part of the time, and part of the time I worked.

Q. What were you doing up here the year before? Visiting?

A. Working.

Q. You worked down there just like you work up here?

A. Yes sir, I worked wherever I went.

Q. That is what I supposed. You never settled down until after you married. That is the truth, isn't it?

A. I always made this my home since 1865, but then I have never had any land here or anything until 1885.

Q. Until you were married, 1895? That fact of the business is, your home was wherever you were at until that time?

A. No, this was my home.

Q. Why was this your home? For instance, suppose you were in Texas, as you said you were, for a year, what is the difference between this place and that to you, at that time?

A. Because this was naturally my home. I had an interest here.

Q. You never had an individual interest, aside from the common interest? A. I don't know whether you would call it that or not. This was my home.

Q. What place in the Cherokee Nation was your home when you were in Texas in 1888 or 1889, that year, whatever date it was?

A. Stayed up around the Verdigris. That is where I always made my home.

Q. You had no particular place? A. Why no.

MR. MCKINNON: From the time of your admission, were you always recognized as a citizen of the Cherokee Nation by the Nation.

A. Yes sir.

Q. From the time you became of age? Did you vote in the Cherokee elections, and have you done so up to the present time? A. Yes sir.

Q. You never voted in any other state, or anywhere else?

A. No sir, never voted in any other state.

Q. You have never been a citizen of any other state, then, so far as exercising the franchise is concerned? A. No sir.

Q. Or in any other manner? A. No sir.

MR. HASTINGS: Who did you vote for here? I don't mean the details, I mean the head men, the Chief, who did you vote for, and when?

A. I could not tell just what year the election was.

Q. Do you know the man? I voted for Rabbit Bunch when he ran for chief.

Q. What he ran for chief, at the last election?

A. I don't know what the name of the man was. I don't remember.
Q. Do you know what your Rabbit Runch was for chief? A. No
sir, I don't.
Q. Did you ever vote for anybody since for chief since then?
A. Yes sir.
Q. Why? A. I don't just remember of the man's name.

Stipulated The attorney for the applicant and the representative of the Cherokee Nation have present about the case, and the same is considered completed, and will be reported for final decision to the Commission, based upon the evidence now submitted.

The attorney for the applicant requests, and will be granted, fifteen days in which to file a brief in this case, one copy for the Commission, and one copy for the representative of the Cherokee.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Wm. Hutchinson

EXHIBIT TO THE REPORT OF THE
COMMISSIONER OF THE
BUREAU OF INDIAN AFFAIRS
FILED
OCT 11 1902

James O. Carr, being first sworn, states that as stenographer to the Commission on the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this fifth day of October, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of Richard M. Locker for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife Willie M. Locker as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children Lola R., Dallas C. and John S. Locker as citizens by blood of the Cherokee Nation.

Supplemental to D-908.

Appearances:

Robert B. Harris for Applicant.
 J. C. Starr for Cherokee Nation.

ROBERT B. HARRIS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Robert B. Harris.
 Q. What is your age? A. 41; near 41.
 Q. What is your post office? A. Colagah.
 Q. Are you acquainted with Richard M. Locker? A. Yes, sir.
 Q. Are you acquainted with his wife, Willie M., who is an applicant in this case as an intermarried citizen? A. Yes, sir.
 Q. How long have you known Richard M. Locker? A. I have known him for 20 years.
 Q. How long have you known his wife, Willie M.? A. 8 years, I suppose.
 Q. Do you know when Richard M. Locker and Willie M. Locker were married? A. They were married in January, 1895.
 Q. January, 1895? A. Yes, sir; to the best of my knowledge.
 Q. Was Richard M. Locker married prior to his marriage to this woman? A. No, sir.
 Q. Was she married prior to her marriage to him? A. No, sir.
 Q. She is his first wife and he is her first husband?
 A. Yes, sir.
 Q. Have they lived together from the time of their marriage up to the present time? A. Yes, sir.
 Q. Never been separated? A. No, sir.
 Q. Living together on the first of September, 1902, as husband and wife? A. Yes, sir.
 Q. How long has Richard M. Locker lived in the Cherokee Nation?
 A. Well, sir; he has been pretty nearly raised here. He has been out and in all his life. I don't know whether he was born here or not. He was here in 1887. I know he was here then. He has been here continuously for the last 10 years.
 Q. How long has his wife lived in the Cherokee Nation?
 A. I will say 8 years.
 Q. Lived here continuously since then? A. Yes, sir.
 Q. Is his wife Willie M. and his children Lola R., Dallas C. and John S. all living at this time? A. Yes, sir.
 Q. Have these children always lived in the Cherokee Nation?
 A. Yes, sir.

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of October, 1902.

T. B. Jones
Notary Public.

No. 908

Richard M. Lockyer
et al

Application for
enrollment as
Cherokee Citizens

Brief for Applicants

A. S. McIlennan
Att'y for Applicants

Before the Honorable Commission to the
Five Civilized Tribes, at Muskogee, I. T.

In Re application of Richard M. Locker, et al, for enrollment as Cherokee citizens.

~~Richard M.~~ Applicant was born August 22, 1867, in the State of Texas. He was, with his mother, Margaret S. Locker, admitted to citizenship in the Cherokee Nation, November 22, 1872, having, prior to that date, removed to and settled in the Cherokee Nation, or about that time; and they continued to reside in the Cherokee Nation until about 1877 or 1878, when, the mother's health failing, they returned to Texas on account of her health, where she lingered until March, 1884, when she died. When the family removed to Texas they left improvements upon lands in the Cherokee Nation. Applicant, being a minor at that time, is unable to state what became of these improvements, which were doubtless taken in possession of by some other Cherokee citizens.

From the statements of applicant, his father intended, all the while, to return to the Cherokee Nation and put his children in the Cherokee Schools; but he died in 1885, when applicant, at that time 18 years of age, returned to the Cherokee Nation, which place he has ever since considered his home, although several times returning to Texas, as he says, on a visit, remaining at one time as long as a year. Being a minor he could not live ~~anywhere~~ elsewhere than with his parents and family, and under the Cherokee Constitution, a provision of which is as follows

"Whenever any citizen shall remove, with his effects, out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; ~~however~~, nevertheless, that the National Council shall have power to readmit, by law, to

all the rights of citizenship. any such person or persons who may at any time, desire to return to the Nation, on memorializing the National Council for such readmission."

he certainly did not loose his citizenship in the Cherokee Nation, having returned hereto in 1888. He voted at the Cherokee elections, and was otherwise recognized as a Cherokee citizen, and in January, 1898, he intermarried with applicant, Mamie, according to the Cherokee Laws, at which time they established their home in the Cherokee Nation, and have continuously, since then, resided there, making it their home, being all the while recognized as a Cherokee by blood, and voting in the Cherokee elections.

Under this state of the case he is assuredly entitled to enrollment, together with his wife and children, as Cherokee citizens.

Respectfully submitted,

A. S. McKenney

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,

Muskogee I. T. June 5th 1902.

In the matter of the application of ^{Richard} ~~Gertude~~ M. Locker ^{shall} for enrollment
as a citizen of the Cherokee Nation.

Cherokee D 908.

Brief on part of the Cherokee Nation.

The testimony shows that the applicant was admitted to citizenship in the Cherokee Nation on November 22nd 1872 and continued to reside with his father and mother until 1877 when the family left the Cherokee Nation and went to the state of Texas and continued to reside until 1885 when applicants claims to have made visits back and forth to the Cherokee Nation and no permanent residence is shown until after his marriage in 1895. The testimony is positive that the applicant father and their family had no effects what ever in the Cherokee Nation after they left here in 1877 or 1878. They had previously a small claim upon the Public domain of the Cherokee nation which they abandoned and which reverted to the public domain of the Cherokee Nation no effort subsequent to that time having been made by the family to reclaim it which is certainly conclusive that they never regarded it as a home.

When the 1880 roll was made they were all residents of the state of Texas and they were very properly not enrolled at that time and the residence of the parents was the residence of the applicant M. Locker; the domicile of the child being that of the parent.

The act of Congress confirmed the roll of 1880 it determines that the persons whose names appear thereon are entitled to be enrolled as citizens of the Cherokee Nation and in as much as the name of the applicant does not appear thereon and in as much as he and his parents were residents of the state of Texas at that time and not entitled to be enrolled upon said roll confirmed by the act of Congress we certainly contend that it was necessary for the applicant ^{to} have been readmitted to citizenship in the Cherokee Nation upon his final return to the Cherokee Nation. We contend that the evidence does not show any residence in the Cherokee Nation between 1877 and 1895 and for the reasons above assigned we do not believe the applicant should be enrolled as a citizen of the Cherokee Nation.

Respectfully submitted,

W W Hastings
Attorney for the Cherokee Nation. L C

Cherokee N-886.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard M. Locker and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood of the Cherokee Nation, and for the enrollment of Willie M. Locker as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 7, 1890, Richard M. Locker appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood of the Cherokee Nation, and for the enrollment of Willie M. Locker as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 1, 1901, and on March 12, and September 30, 1902.

The printed Acts of the Cherokee Nation (1.72 page 31,) show that the said Richard M. Locker and his mother, Margaret S. Locker, were admitted to citizenship in the Cherokee Nation on November 22, 1872. The evidence shows that the said Richard M. Locker was a minor at that date. The 1894 pay roll of the Cherokee Nation shows that the said Richard M. Locker is identified on that roll. He is also identified on the 1890 census roll of said Nation. The evidence further shows that the said Richard M. Locker was lawfully married on January 7, 1895, to Willie M. McKennon, a white woman, the marriage certificate giving her name as Marie McKennon. The said Willie M. Locker is identified on the 1890 census roll of the Cherokee Nation.

The evidence further shows that the minor children herein applied for, are the children of Richard M. and Willie M. Locker. The minor child, Lola R. Locker, is identified on the 1890 census roll of the Cherokee Nation. The two minor children, Dallas C. and John S. Locker, are too young to be upon any tribal roll of the Cherokee Nation. They are identified by affidavits of birth made a part of the record herein.

The evidence further shows that the said Richard M. Locker was taken from Indian Territory about 1877 or 1878; that he returned

to the Cherokee Nation in 1885. That from 1885 to 1895 he spent a portion of his time in the State of Texas and a portion in the Cherokee Nation; that since January 7, 1895, he and his wife, Willie M. Locker, have resided together continually in the Cherokee Nation up to and including September 1, 1897. The residence of the minor children herein applied for is that of their parents.

It is, therefore, the opinion of this Commission that Richard M. Locker, Lola R. Locker, Dallas C. Locker and John S. Locker should be enrolled as citizens by blood of the Cherokee Nation, and that Willie M. Locker should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jame Bixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 2 1903

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION OF RICHARD M. LOCKER,
ET AL, FOR ENROLLMENT AS CITIZENS OF THE CHEROKEE NATION.

Cherokee D-908

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered hereon on February 2nd, 1903, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed before the Commission on the part of the Cherokee Nation, wherein the reasons are fully set forth why the Cherokee Nation does not believe that the applicants were entitled to be enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

----- *N. M. Hastings* -----

Attorney for the Cherokee Nation

INDEXED

F

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED	
1522		Book	Page
1901	JAN 31 1901		

Bible ~~Was~~ Annie.
Tulala, Ind. Ter.
Jan. 24 - 1901

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 25 1901

Winter in the interest of
R. M. Locker, claiming
him to be an undischarged
to be filed with

Cherokee Card No 2908

Cherokee, requesting to
know what he must
do to be enrolled.

Very kindly
Annie / Bible.

Tulala, T. T.

Very kindly
Annie / Bible.

Recd Jan 24/901

Ans to

file D 908

Tulalut, Ind. Ter.

Jan: - 24th, 1901.

Mr. Breckinridge:

Dear Sir:-

Please allow me to ask you as one citizen
of one other; when a Cherokee citizen
by blood has been put on the Doubtful
Roll, what can be done to reinstate them
Many of the Cherokee people are like our
own state people living ignorant, and it
is not right nor just for them to be
disenfranchised for that reason. I know
one R. M. Locker who was left an
Orphan and never received an education
The Lockers lived in Texas. The Nicholas
Sunters; the Schripshers and many
other Cherokee relatives lived here in
the Cherokee Nation. His father Carroll
Locker died when I was 14. I was
left homeless and as many of that
class of humanity will just live and

and forth from Texas here. Not knowing
or even suspecting that he was forfeiting
any rights to his land here. But in
1896 when he met and married his wife
and settled down, commenced to build up
to make a home here. The Cherokee recognized
him as a citizen and enrolled him for
the strip payment. I know this for I saw
him in the Roll. till the Cherokee
recognize him as a descendant of that Gunters
family. Dick is in lots of trouble for
he feels that if he is cut off, he is
ruined. and you know this means
very much to any man with a wife and
little helpless children. He did not ask
me to write this but when I see the great
distress they are in over this, I thought
I would appeal to you for advice. just
write me what steps for him to take if
there is any show for him. If when you
look at his case and know he will
be cut off, you can do
tell me so; for he is poor and his family

needs all this have. Is he plain I do not
 see how he can defend his case, and
 make a crop this spring. His wife is a
 great niece of Capt. A. S. Thompson and
 Mr. Thompson on the commission
 I am satisfied would help him. Now
 will you answer this a - for you
 have no idea what a comfort it is.
 The Claremore Progress publish
 ed a statement that the commission
 from the 1st to the 28 of next
 month are giving all cherries who from
 any cause could not appear before them
 at any of those enrolling precincts a
 chance to enroll and that they were
 not trying them on the Doubtful Roll.
 Of course this confuses the the uneducated
 unimpaired people and they do not
 know what to do. So I want to find
 out how they intend ask some members of
 the commission and then they would

INDEXED,

COMMISSION TO FIVE TRIBES.		
No.	Received	ANSWERED Book Page
1522 1901	JAN 31 1901	

Bible Miss Annie.
Tulula, Ind. Ter.
Jan. 24. 1901

CHEROKEE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 25 1901

Wishes in the interest of
R. M. Lockett, claiming
him to be an undischarged
debtor.

Revised Card. 11908.

Cherokee requesting to
know what he must
do to be enrolled.

what to depend on. Bible lives 4 miles
from the Post Office so if you will be
kind enough to answer this, I will gladly
show it to him. Hoping to hear from you
by return mail I am

Very kindly
Ans. Annie Bible.

Tulula, I. T.

H 11908
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 15 1902

COMMISSIONERS.
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
H. REECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1902.

Mr. Richard M. Locker,

Talala, Indian Territory,

Sir:-

You are hereby notified that the application of
minor children

yourself, your wife and three

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of act readmitting you to Cherokee citizenship.

Cherokee D-908
Register.

Yours truly,

XXXXXXXXXXXX
Acting Chairman.
Commissioner in Charge.

Winchester, Indian Territory, March 7, 1902.

Capt. A. E. Robinson,

Attorney at Law,

Winchester, Indian Territory.

Dear Sir:-

As requested by Mr. Richard H. Lister under date of March 4, 1902, there is enclosed you herewith a copy of the testimony taken in the matter of his application for enrollment as a citizen of the Cherokee Nation.

This applicant is listed upon a doubtful card and final hearing of his case is set for March 12, 1902.

Please sign and return to the Commission receipt for this testimony.

Yours truly,

Commissioner in Charge.

Enc. 1-2

ATTORNEYS FOR THE CHEROKEE NATION

W. W. HASTINGS, ATTORNEY

CHEROKEE ENROLLMENT

J. C. STARR, SECRETARY

MUSKOGEE IND. TER. June 5th 1902

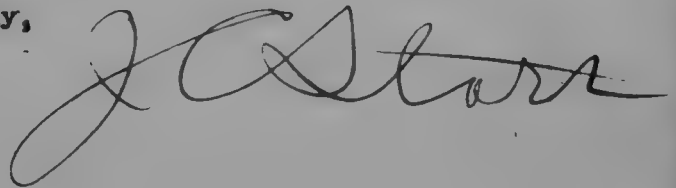
Hon. A. S. McKennon,
South McAlester I. T.

Dear Sir:

Inclosed find copy of a brief on part of the Cherokee
Nation in the case of Gertrude M. Locker.

Please acknowledg receipt and oblige,

Yours truly,



Same received, June 7th 1902.
A S McKennon

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. KILSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-908

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of Willie M. Locker as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-7242

COPY.

Cherokee D-908

Muskegee, Indian Territory, February 18, 1903.

A. S. McKennon,

Attorney for Richard M. Locker et al.,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage, of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the

COPY.

-2-

Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tamm Dwyer
Acting Chairman.

Enc. M-104

Register.

COMMISSIONERS
HENRY L. DAWES
JAMES DIXIE
THOMAS H. NEEDLES
C. R. BRECKENRIDGE

ALLISON L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

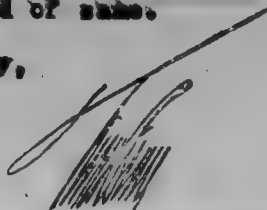
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage, of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

COPY.

Cherokee D-908

Muskogee, Indian Territory, February 18, 1908.

Richard M. Locker,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 8, 1908, granting your application for the enrollment of yourself and your three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of your wife, Willie M. Locker, as a citizen by intermarriage, of the Cherokee Nation.

There has heretofore been furnished your attorney, A. B. McKennon, Wewoka, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which pretext has been furnished you by the attorney for the Nation.

COPY.

-2-

The decision, together with the record of proceedings and in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-5103

Register.

COPY

Cherokee D-908

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Richard M. Locker for the enrollment of himself and his three minor children, Lela R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by inter-marriage, of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tamm

Acting Chairman.

Enc. M-2104

Through the

Commissioner of Indian Affairs.

Refer in reply to
the following:

Land
12836-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington. August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting a record of the application of Richard M. Locker for the enrollment of himself and three minor children - Lola R., Dallas C., and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by inter-marriage of the Cherokee Nation.

February 2, 1903, the Commission held that the applicants who apply for enrollment by blood were entitled to enrollment as such, and that Willie M. Locker should be enrolled as an inter-married citizen of the Cherokee Nation.

The Nation by its attorney protests against the Commission's decision.

The record in the case shows that Richard M. Locker was born in the State of Texas in 1867; that he and his mother, Margaret S. Locker, were admitted to citizenship in the Cherokee Nation November 22, 1872; that they resided in the Nation until 1877 or 1878, when they returned to Texas on account of his mother's health; that in

1884 Margaret S. Locker, the mother of the principal applicant, died, and that in 1885 the principal applicant returned to the Cherokee Nation. It further shows that from 1885 to 1895 Richard M. Locker spent part of his time in the State of Texas and part in the Cherokee Nation; that since about January 7, 1895, he has resided continuously in the Nation up to and including September 1, 1902. The record further shows that the principal applicant was a minor at the date he was admitted to citizenship; that his name appears on the 1894 Cherokee pay-roll, also the 1896 census roll, and that he was lawfully married to Willie M. Locker, nee McKennon, in accordance with the laws of the Cherokee Nation, January 7, 1895. The minor children above mentioned are the issue of this marriage.

Lola R. Locker is identified by the 1896 roll, Dallas C. and John S. Locker were born subsequent to the date that roll was made, and are properly identified by birth affidavits, which appear in the record.

The name of the principal applicant appearing on the 1894 script payment roll and the 1896 census roll, the office believes that the decision of the Commission in so far as it relates to the enrollment of the applicants who apply as citizens by blood is correct, and its approval to that extent is recommended.

Attention is respectfully invited to Department letter of July 27, 1902, (I.T.D. 5816).

Very respectfully,

GAW-R

Commissioner.

D.C.31507 .

DEPARTMENT OF THE INTERIOR.

J.W.H.
WHR.

ITD 6476-1 903.

Washington.

D.D.S.

November 7, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report of February 18, 1903, transmitting the record and papers relating to the application of Richard M. Locker (Cherokee D 908), for the enrollment of himself and his three minor children, Lola R., Dallas C., and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by marriage of the Cherokee Nation, including your decision of February 2, 1903, granting said application

After examining the evidence carefully, the Department concludes that your finding of facts is correct. It is as follows:

The printed Acts of the Cherokee Nation (1872, page 31,) show that the said Richard M. Locker and his mother, Margaret S. Locker, were admitted to citizenship in the Cherokee Nation on November 22, 1872. The evidence shows that the said Richard M. Locker was a minor at that date. The 1894 pay roll of the Cherokee Nation shows that the said Richard M. Locker is identified on that roll. He is also identified on the 1896 census roll of said Nation. The evidence further shows that the said Richard M. Locker was lawfully married on January 7, 1895, to Willie M. McKennon, a white woman, the marriage certificate giving her name as Mamie McKennon. The said Willie M. Locker is identified on the 1896 census roll of the Cherokee Nation.

The evidence further shows that the minor children herein applied for, are the children of Richard M. and Willie M. Locker,

The minor child, Lola R. Locker, is identified on the 1896 census roll of the Cherokee Nation. The two minor children, Dallas C. and John S. Locker, are too young to be upon any tribal roll of the Cherokee Nation. They are identified by ~~birth~~ affidavits of birth made a part of the record herein.

The evidence further shows that the said Richard M. Locker was taken from Indian Territory about 1877 or 1878; that he returned to the Cherokee Nation in 1885; that from 1885 to 1895 he spent a portion of the time in the State of Texas and a portion in the Cherokee Nation; that since January 7, 1895, he and his wife, Willie M. Locker, have resided together continuously in the Cherokee Nation up to and including September 1, 1902. The residence of the minor children herein applied for is that of their parents.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs recommended that your action be approved as to those applicants who claim enrollment as citizens by blood of the Cherokee Nation.

The Department considers that your decision is in accordance with the law and the facts.

Said decision is accordingly affirmed so far as it affects those applicants who claim by blood.

The Department will not at this time render a decision in the application of Willie M. Locker, who claims as a citizen of the Cherokee Nation by intermarriage.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY.

Cherokee D-908

McAlester, Indian Territory, November 16, 1903.

Richard M. Locker,
Talala, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting your application for the enrollment of yourself, and your three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of your wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except your said wife, November 7, 1903.

Respectfully,

Thomas B. Brierley

Chairman.

Copy.

Cherokee D-908

Muskogee, Indian Territory, November 16, 1903.

A. S. McKennon,

Attorney for Richard M. Locker,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lola R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, November 7, 1903.

Respectfully,

James D. Smith

Chairman.

COMMISSIONER'S
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-908

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated February 2, 1903, granting the application of Richard M. Locker for the enrollment of himself and his three minor children, Lela R., Dallas C. and John S. Locker, as citizens by blood, and for the enrollment of his wife, Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior as to all except his said wife, November 7, 1903.

Respectfully,

Chairman.

D.C. 53237-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

LLB

I.T.D. 6476-1903.

December 1, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 7, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, in favor of the applicants, in the Cherokee enrollment case of Richard M. Locker et al., except as to Willie M. Locker, who claims as an inter-married citizen of the Cherokee Nation.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of February 2, 1903, is reversed so far as Willie M. Locker is concerned.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 908

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, December 17, 1906.

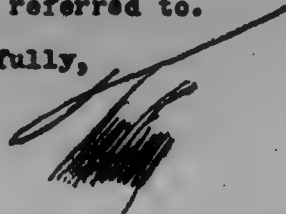
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Willie M. Locker, as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information, there is enclosed herewith copy of Department decision referred to.

Respectfully,



Encl.H-106
JMH

Commissioner.

Cherokee
D 908

Muskogee, Indian Territory, December 17, 1906.

Willie W. Locker,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

Respectfully,

JWH

Commissioner.

Cherokee
D 908

Muskogee, Indian Territory, December 17, 1906.

A. S. McKennon,

Attorney for Willie M. Locker,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Willie M. Locker as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-105
JMH

Commissioner.

n-Ro

Original marriage
Certificate delivered to Richard
M. Locker June 23-1910
Wend Moore

MAR 7 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of *Richard B. Locker, et al*

for enrollment as *citizens* of the Cherokee Nation.

Cherokee No. *1705*

As messenger
Atty for applicants

Cher D 909

Cher D 909

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE TWO CIVILIZED TRIBES.
TULSA, I. T., FEBRUARY 9th, 1900.

IN THE MATTER OF THE APPLICATION OF Arthur Blair for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Arthur Blair.
Q How old are you? A Twenty six.
Q What is your Postoffice address? A Ada, Ok.
Q What district do you live in? A Coconino.
Q Are you a recognized citizen of the ~~Cherokee~~ Cherokee Nation?
A Yes sir.
Q By blood or intermarriage? A By blood.
Q When do you want to enroll? A Myself, wife and two children.
Q What is the name of your wife? A Jeremiah.
Q Is she a citizen by blood? A No sir.
Q Have you any certificate of marriage to her? A Yes sir.

Com'r. T. B. Needles: The applicant presents a duly authenticated certificate of marriage, certifying that he was married to one, ~~Jeremiah~~ J. B. Hedley, on the 4th day of March, 1894.

- Q What are the names of your children? A Jeremiah Blair.
Q How old is he? A Five years old.
Q Next one? A Ruth.
Q How old is she? A Three years old.
Q What is the name of the next one? A That is all.
Q Is your name on the roll of 1890? A I can not tell you.
Q Have you any certificate showing that you are a citizen of the Cherokee Nation? A Nothing except that I married you.
Q What is your father's name? A William Blair.
Q Is he living? A No sir.
Q What is your mother's name? A Mrs. C. Thompson.
Q Is she living? A No sir.
Q Did she die before 1890? A She has been dead about a year and a half.
Q And your father? A He died when I was small.
Q Was your father a white man or Indian? A White man.
Q Your mother was a Cherokee? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

- Q When did your mother marry after your father died?
A Tom Thompson.
Q Where does he live? A Up close to Pryor Creek.
Q What was your mother's name in 1890? A Ruth.
Q Mark Dwell's daughter? A Yes sir.

(1896 Roll, Page 757, 2230, Arthur Blair, Coconino District)
(1896 Roll, Page 817, 211, Jeremiah T. Blair, Coconino ")
(1896 Roll, Page 727, 221, William Blair, Coconino District)

- Q Is this child's name William T.? A Yes sir.
Q Why is your name not on the roll of 1890? A They failed to put it there is all I can tell you. The "old man" failed to put it there, is the only reason I can give you.

Mr. W. W. Hastings, Cherokee Representative:

- Q You say your mother, after your father died, married a man named Thompson? A Yes sir, Tom Thompson.
Q When did she marry the second time? How old were you?
A About three years old, or four.
Q Do you think your mother's name was Thompson in 1890?
A I can see her and find out.

ARTHUR KLAIR ET AL.

-4-

Q Is she here? A No sir.

(1894 Roll, Page 683, #330, Arthur Klair, Cassake District)

Gen'r. T. R. Needles: The name of Arthur Klair appears upon the census roll of 1894 and upon the pay roll of 1894: He makes satisfactory proof of marriage to one, Jerusha Hedley, a non citizen, in the year 1894, and her name appears upon the census roll of 1894. The name of his elder child, William Ernest Klair appears upon the census roll of 1896, and he makes satisfactory proof of birth of his younger child, Anna Klair, whose name does not appear upon said roll. His name does not appear upon the authentic roll of 1890: He avers that he is the child of one, Ann C. Klair, who afterwards married one Tom Thorpe, but her name is not found upon the authenticated roll of 1890. Consequently, the said final judgment as to the enrollment of the said Arthur Klair, his wife, Jerusha and two children, William E. and Anna Klair will be suspended, and their names will be placed on a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of December, 1900.

COMMISSIONER.

- Q. What is her name? A. Amy Cal. Rice.
- Q. Where was your sister living when this roll of 1880 was made?
- A. In Coowasee.
- Q. Do you know whether her name does appear on the roll?
- A. No sir.
- Q. Has she always been recognized as a citizen? A. Yes sir.
- Q. Has this young man made the Cherokee Nation his home since his birth? A. Yes sir.
- Q. Living there at this time? A. Yes sir. Has never lived outside of the Cherokee Nation.
- Q. Do you know of your son knowing that his mother was never put on the roll of 1880? A. No, I do not. They could not find it on the roll.
- Q. Do you know whether she was taken to the census enumerator for enrollment? A. I do not.
- A. Yes, she was.
- A. Forty miles.
- Q. Is your name on the roll? A. Yes sir.
- Q. Have you any other brothers or sisters? A. One.
- Q. Older or younger? A. Younger.
- Q. Name on the 1880 roll. A. No sir.

The applicant, Arthur Blair, is not identified on the authenticated roll of 1880, and his mother is not identified on said roll, either under the name of Blair or under the name of her second husband the person.

- BY COMMISSIONER: Do you desire to make any further statement with reference to your application? A. I guess not.
- Q. You submit the case to the Commission for final consideration?
- A. Yes sir.

The applicant, and the representative of the Cherokee Nation here present, submit the case, and the same is considered completed and will be reported to the Commission for final decision, based upon the evidence now of record.

I, Wm. B. Harrison, do hereby certify that as stated, under to the Commission of the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stated public notes thereof.

Wm. B. Harrison

R.

C. D-909.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Arthur Blair for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

W. W. Hastings, attorney for the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices at Muskogee, I. T., on the 12th day of March, 1902, and the applicant this date, to-wit: the 12th day of March, 1902, appears in person

ARTHUR BLAIR, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MR. BLAIR: What is your name?

Mr. BLAIR: Arthur Blair.

Q. How old are you? A. Thirty-six.

What is your postoffice address? A. Pryor Creek.

Q. You and your wife and children are applicants before the Commission for enrollment as citizens of the Cherokee Nation?

A. Yes sir.

Q. Were you born in the Cherokee Nation? A. Yes sir.

Q. Have you had your home here all that time? A. Yes sir.

Q. Living there at this time? A. Yes sir.

Q. How old were you when your father died? A. Five, I don't just remember.

Q. He died before the roll of 1830 was compiled? Before the roll of 1800 was made? A. I think so, I was quite small when he died.

Q. When did your mother die? A. She died in August, I don't remember, the 15th--

Q. Died some time in 1898, didn't she? A. Yes sir.

Q. How long after the death of your father was it before she married again? A. I was quite small, I don't remember.

Q. Who did she marry after your father died? A. Tom Thompson.

Q. Your mother's name is Amy C. Thompson? A. Yes sir, A. C., it is, I think.

Q. What is your mother's middle name, do you remember?

A. Amy C., that is all I remember.

NATHANIEL H. DIAL, being first duly sworn and being examined, testified as follows:

BY COMMISSION: What is your name?

A. Nathaniel H. Dial.

Q. What is your post office address? A. Pryor Creek.

Q. Are you acquainted with the applicant in this case, Arthur Blair? A. Yes sir.

Q. Are you related to him? A. I am.

Q. What relation are you to him? A. He is my sister's son.

Q. Where was your sister born? A. In the Territory, I think.

Q. In the Cherokee Nation? A. Yes sir.

Q. What is her name? A. Amy Catherine.
 Q. Where was your sister living when this roll of 1880 was made?
 A. In Coconino.
 Q. Do you know whether her name does not appear on the roll?
 A. No sir.
 Q. Has she always been recognized as a citizen? A. Yes sir.
 Q. Has this young man made the Cherokee Nation his home since his birth? A. Yes sir.
 Q. Living there at this time? A. Yes sir. Has never lived outside of the Cherokee Nation.
 Q. Do you know of your own knowledge that his mother was never put on the roll of 1880? A. No, I do not. They could not find it on the roll.
 Q. Do you know whether she applied to the census enumerator for enrollment? A. I do not.
 Q. How far are you living---
 A. Forty miles.
 Q. Is your name on the roll? A. Yes sir.
 Q. Have you any other brothers or sisters? A. One.
 Q. Older or younger? A. Younger.
 Q. Name on the 1880 roll. A. No sir.

The applicant, Arthur Blair, is not identified on the authenticated roll of 1880, and his mother is not identified on said roll, either under the name of Blair or under the name of her second husband Thompson.

BY COMMISSION: Do you desire to make any further statement with reference to your application? A. I guess not.
 Q. You submit the case to the Commission for final consideration?
 A. Yes sir.

The applicant, and the representatives of the Cherokee Nation here present, submit the case, and the same is considered completed and will be reported to the Commission for final decision, based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 8 1902

October 10 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C., October 10, 1902

In the matter of the application of Arthur Blair for the
appointment of himself and three minor children, William A.
Blair and Susan M. Blair, as assistants of the Special
Agent of the United States, as a witness on the part of
the Cherokee Nation.

EXHIBIT A - INTERVIEW

ARTHUR BLAIR, being sworn, testified as follows:

Q. Now, your name, please.

A. Arthur Blair, please. A. Arthur Blair is my name.

Q. How old are you at this time?

A. About thirty years old.

Q. Are you an applicant before the Commission as a witness on the part of the Cherokee Nation?

A. Yes, sir.

Q. What is your wife's name?

A. Susan M. Blair.

Q. How long have you been married?

A. About seven years.

Q. Is she an applicant for appointment as an assistant of the Special Agent?

A. Yes, sir.

Q. Have you ever married before your marriage to this wife?

A. No, sir.

Q. Have you ever married before she was married to you?

A. No, sir.

Q. Have you and your wife lived together as husband and wife since your marriage to the present time?

A. Yes, sir.

Q. Have you ever been separated?

A. No, sir.

Q. Is your father as husband and wife on the first day of the month of January, 1902?

A. Yes, sir.

Q. Have you and your wife lived in the Cherokee Nation since your marriage to the present time?

A. Yes, sir.

Q. Have you and your wife lived in the Cherokee Nation since your marriage to the present time?

A. Yes, sir.

C. 8909

Witnesses: Charles G. Blair, Special Agent, Cherokee Nation, and
John A. Blair, Special Agent, Cherokee Nation, and
the testimony and proceedings in the matter of the foregoing application
are hereby certified to be true and correct transcripts of the
originals on file in the Commission.

Witness my hand and seal at the City of Washington, D. C., this 10th day of November, 1902.

JOHN A. BLAIR

Cherokee D 909.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., October 15, 1902.

In the matter of the application of Arthur Blair for the enrollment of himself and his three minor children, William E., Mina and Bulah M. Blair, as citizens by blood, and for the enrollment of his wife, Jerusha Blair, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

ARTHUR BLAIR, being sworn, testified as follows:

By the Commission,

- Q What's your name, please? A Arthur Blair is my name.
Q What's your age at this time? A Twenty-seven years old.
Q Postoffice? A Locust Grove.
Q Are you an applicant before the Commission as a citizen by blood?
A Yes, sir.
Q What's your wife's name? A Jerusha Blair.
Q What's her age? A Twenty-seven.
Q Is she an applicant for enrollment as an intermarried citizen?
A Yes, sir.
Q When were you married to your wife, Jerusha Blair? A '94.
Q Has your wife got any middle name? A Yes, Jerusha M. Blair.
Q E? A Yes, sir.
Q Were you ever married before your marriage to this wife? A No, sir.
Q Was she ever married before she was married to you? A No, sir.
Q Have you and your wife lived together as husband and wife since your marriage up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Has your wife, Jerusha Blair, lived in the Cherokee Nation ever since your marriage in '94 up to the present time? A Yes, sir.
Q Are these children, William E., Mina and Bulah M., your children by your wife, Jerusha? A Yes, sir.
Q Are these three children living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation ever since their birth up to the present time? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 6th day of November, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Arthur Blair and his three minor children, William E., Edna and Rulah E. Blair, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Jerusha E. Blair, as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 7, 1900, Arthur Blair appeared before the Commission at Tallahassee, Indian Territory, and made personal application for the enrollment of himself and his two minor children, William E., and Edna Blair, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Jerusha E. Blair, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, and October 15, 1902.

The evidence shows that Arthur Blair is a Cherokee by blood; that he was twenty-six years of age at the date of this application, and that he has resided in the Cherokee Nation all his life. He is identified on the 1894 pay roll of the Cherokee Nation, and on the 1896 census roll of said Nation as a native Cherokee.

The evidence further shows that the said Jerusha E. Blair was lawfully married on March 4, 1894, to Arthur Blair, and that the three minor children herein applied for are the issue of that marriage.

The minor child, William E. Blair, is identified on the 1896 census roll of the Cherokee Nation. The minor child, Edna Blair, is identified by birth affidavit made a part of the record herein.

On May 23, 1901, there was filed with this Commission an affidavit duly executed by Jerusha E. Blair, from which it appears that Rulah E. Blair was born on January 8, 1901; that she is the child of Arthur and Jerusha E. Blair, and that she was living at the date of the execution of the affidavit.

The said Arthur Blair has lived in the Cherokee Nation all his life. Jerusha E. Blair has lived in the Cherokee Nation with her said husband ever since the date of their marriage, and their children above named, have resided in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Arthur Blair, William E. Blair, Edna Blair and Rulah E. Blair should be enrolled as citizens by blood of the Cherokee Nation, and that Jerusha E. Blair should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1900 (30 Stats., 495), and

it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

J. H. Breckinridge.

Commissioner.

Dated Muskogee, Indian Territory,

this NOV 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-909.

MAKINGO, Indian Territory, November 26, 1902.

V. V. Hastings,
Attorney for Cherokee Nation,
Makings, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Arthur Blair for the enrollment of himself and his three minor children, William E., Edna andulah M. Blair, as citizens by blood, and for the enrollment of his wife, Jerusha E. Blair, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-178.

IN THE MATTER OF THE APPLICATION OF

E. Arthur Blair et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

6. Original testimony, Dec. 7, 1890

10. Memo of application

11. Marriage certificate, ex. 4, & Petition to Lewis

12. Affidavit of Birth. *Blair Blair*

13. Birth of *Blair Blair*

14. Notice of final consideration 3/12/91

15.

E. Arthur Blair

Cher D 910

Cher D 910

THE INTER-TRIBAL
CIVILIZED TRIBES.

DEC 4 1900

ACTING CHAIRMAN

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1900.

In the matter of the application of Andrew E. Willis for enrollment as a citizen of the Cherokee Nation; said Willis being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Andrew E. Willis.

Q How old are you? A 35.

Q What is your post office? A Wauhatchie.

Q In what district do you live? A Tahlequah.

Q Who is it you want to have enrolled, yourself and family? A Just myself.

Q Are you a Cherokee by blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I come here in '94.

Q Have you lived here ever since? A Yes, sir, this has been my home ever since.

Q Where have you been since 1894? A I have been in the States on visits.

Q What time in 1894 did you come here? A In the fall of '94, last of October.

Q How long did you stay here then? A I staid until the next Christmas and I went out on a visit.

Q Then when you went out on a visit how long did you stay out?

A Two Thirty day trip tickets.

Q Staid out two months? A Yes, sir.

Q Then when you come back here how long did you stay? A Ever since.

Q Have you ever been admitted to citizenship by the Commission on Citizenship? A Yes, sir.

Com'r :--An official copy of the records of the Cherokee Commission on Citizenship on file in the case of John P. Willis, #6257, shows on September 23, 1887, various members of this family were admitted to citizenship and among them appears the name of Andrew E. ~~Willis~~ Willis.

Q That is your name is it? A Yes, sir.

Q And what was the name of your father? A Pickings Willis.

This is identified as official evidence of the applicant's admission as stated, and the document is returned to the proper file.

Q So you came here in the fall of 1894 and staid here for a year that is true, is it? A Yes, sir, I think.

Q You came here fall of 1894 and staid here for a year? A Until next Christmas.

Q That is the Christmas of 1895 is it? A Yes, sir.

Q Staid here about 12 months? A Yes, sir.

Q And then went out for a couple of months? A Yes, sir, went out one month that Christmas and one month at another time.

Q You have made your home here consistently since you came here in 1894? A Yes, sir, I do not know whether I am on that roll of 1896a.

Q Did you draw Cherokee strip money? A Yes, sir.

Q Why were you not enrolled in 1895? A I ~~am~~ did not see the census taker.

Q Why did not you see the census raker? A I expect I was sick then.

Q Were you in the Cherokee Nation the whole of the year of 1896?

A Yes, sir, the Cherokee Nation enrolled me in that Fall.

Q What Fall? A Fall of 1894.

Q Why were you not put upon the original roll? A That is the year I come.

Q You came in 1894? A Yes, sir.

Q And you got the Council to put on that additional roll that was made out A Yes, sir.

Andrew E. Willis--2.

INTERROGATORIES BY JOEL L. BAUGH, Cherokee Representative:

Q Where were you living from 1887 until 1894? A I was at Pryor Creek some.

Q Were you living here in the meantime all the time? A 1894 is the first time I was ever here.

BY COMMISSIONER BRECKINRIDGE:

Q Where were you living? A I was from Georgia.

Q Where have you been living from 1894 when you were not in the Cherokee Nation; did not you say something about being about Evansville? A I have been up there on visits; I lived down here on the Illinois River three years; I have been to Pryor Creek and first one place and then another.

Q At Evansville, Arkansas? A Yes, this side of there, I did not live there.

BY Joel L. Baugh, Cherokee Representative:

Q Where were you living at when the census roll of 1896 was taken, four years ago? A I could not tell you; I am just a single man, I have lived three years down here on the Illinois River with my brother.

Q The past three years? A Yes, sir.

By Commissioner Breckinridge:

Q Well, now where did you live the three years before that? A I have lived first one place and then another.

Q Where were you living for three years before you were living with you brother on Illinois River? A I lived at Pryor Creek a year and a half.

Q And where did you live before that? A Out here in the Nation part of the time.

Q And part of the time where? A I was out the time I told you, two months.

Q Have you got somebody here that knows that you have been living in the Nation since 1894? A No, sir.

Com'r Breckinridge:--The applicant is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship, September 23, 1887. He states that he came to the Cherokee Nation in the Fall of 1894, and that with the exception of two months, he has been in the Cherokee Nation ever since, one month being embracing the Christmas of 1895 and the other embracing the Christmas of 1899. He is not identified on the roll of 1894 or on the roll of 1896. In regard to his continued residence in the Cherokee Nation, he will now be listed for enrollment as a Cherokee by blood on a doubtful card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of December, 1900.

[Signature]

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 7 1900

 ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

1900.

Name Andrew B. Willis Date December 1/27
Wauhatchie, I.T.

District..... Year 1897 Page..... No.....

Citizen by blood yes Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Wife's name.....

District..... Year..... Page..... No.....

Citizen by blood..... Mother's citizenship.....

Intermarried citizen.....

Married under what law..... Date of marriage.....

License..... Certificate.....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

[Handwritten signature and scribbles across the bottom section of the form]

R.

C. D-910.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Andrew E. Willis for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified that the representative of the Cherokee Nation would also, at the same time, be afforded an opportunity of introducing testimony tending to disprove his right to enrollment, but that the said representative would first be required to notify him of this intention to introduce said testimony before the same would be received. Receipt has been acknowledged of the Commission's letter, the registry receipt having been signed, "Drew Willis, per John Willis."

J. C. STARR, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: Your name?

MR. STARR: J. C. Starr, age 31, post office Vinita.

Q. Are you stenographer of the Cherokee Nation? A. Yes sir.

Q. Did you make any effort to learn the whereabouts of the applicant so that you could get service upon him? A. Yes sir.

Q. What did you do? A. I wrote letters to different parties at Wauhatchie.

Q. Is that the post office address that he gave in his testimony?

A. Yes sir, that is the information I received. I received a letter from T. J. Carlyle, stating that he was personally acquainted with this man, and that he had not seen him for more than a year; that the best information he could get as to his whereabouts at present is that he is somewhere in the state of Georgia..'

The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond either in person or by attorney, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

R.

C. D-919.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Andrew B. Willis for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. He was further notified that the representative of the Cherokee Nation would also, at the same time, be afforded an opportunity of introducing testimony tending to disprove his right to enrollment, but that the said representative would first be required to notify him of their intention to introduce said testimony before the same would be received. Receipt has been acknowledged of the Commission's letter, the registry receipt having been signed, "Drew Willis, per John Willis."

J. C. STARR, being first duly sworn, and being examined, testified as follows:

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A. Yes sir, that is the information I received. I received a letter from T. J. Carlyle, stating that he was personally acquainted with this man, and that he had not seen him for more than a year; that the best information he could get as to his whereabouts at present is that he is somewhere in the state of Georgia..

The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond either in person or by attorney, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Cherokee-n- 910
Pickens E. Willis

Office Commission on Citizenship
Tahlequah, C.N. Sept 23, 1887
Age Sex Post office Atty
Palmour, Ga

Docket

567

No.	Names
1	Pickens E. Willis
2	John P. Willis
3	Andrew E. Willis
4	Nathaniel D. Willis
5	Esther J. Willis

Applicant Cherokee
Citizenship

Ancestor
Mary Barnhill

Now on this 23rd day of March 1888 comes the above case for final hearing, they having made application pursuant to the provision of the National Council approved Dec. 8th, 1866 and the evidence being considered and found to be sufficient and satisfactory the Commission say: "We the Commission on Citizenship after carefully examining the evidence in the case and also finding the ancestor on the rolls of 1851 and 52 find that Pickens E. Willis, who proved to be the brother of Priestly Willis, is a "Cherokee by blood", also his four children, John P. Andrew E. Nathaniel D. & Ester J. Willis and they are hereby readmitted to all the rights & privileges of Cherokee Citizens by blood".

D. W. Lipe Acting Chairman.
Commission.

I, B. W. Albert, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the citizenship records of the Commission on citizenship for the Cherokee Nation, the said records are placed in the Executive office of said nation and are in my custody.
(SEAL) Given by me at Tahlequah, I. T. on this the 21st day of July 1900.

B.W. Alberty,
Assistant Executive Secretary
Cherokee Nation.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Andrew E. Willis as a citizen of the Cherokee nation.
Muskogee, Indian Territory,
June 5, 1902.

W. R. Kaufman

C.F.B.

Cherokee D 910.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
ANDREW E. WILLIS as a citizen by blood of the Cherokee Nation.

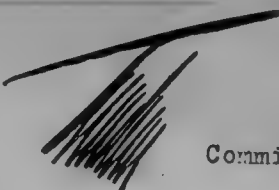
O R D E R

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 7, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Andrew E. Willis as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee Indian Territory, March 12, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Andrew E. Willis, is a Cherokee by blood; and that on September 23, 1887, he was, by the duly constituted authorities of the Cherokee Nation, admitted to citizenship therein.

Every effort has been made since the application made by Andrew E. Willis for enrollment as a citizen by blood of the Cherokee Nation to determine whether or not he was living September 1, 1902, and if so whether or not he was entitled to Cherokee citizenship on that date. No information has been obtained tending to show the status of said Andrew E. Willis on September 1, 1902.

It is, therefore, ordered that the application for the enrollment of Andrew E. Willis as a citizen by blood of the Cherokee Nation be, and the same is hereby dismissed.



Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 26 1907

Q M910
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902

COMMISSIONERS.
HENRY L. DAWES.
TANS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 20, 1902.

Mr. Andrew E. Willis,

Wauhillay Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 12 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-910
Register.

Yours truly,

~~Acting Chairman~~

Commissioner in Charge.

GENERAL MERCHANDISE

Wauhillau, V. T., March 8th 1892.

Mr S. C. Starr

Wanskopee N.T.

Dear Sir:-

In reply to yours in regard to Andrew E. Willis will say that I am personally acquainted with him but have not saw him for more than a year.

The best information I can get as to his whereabouts at present is that he resides some where in the State of Georgia.

Yours Very Truly

T. J. Carle.

Muskogee, Indian Territory, July 1, 1902.

Andrew B. Willis,

Wetzelton, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and submit further testimony in regard to your residence in said Nation.

You will be allowed until July 22, 1902 within which to comply with this requirement, and you are advised that in order to a proper determination of your application the matter should receive prompt attention.

Yours truly,

Commissioner in Charge.

Register.

COPY.

Cherokee D-910.

Muskogee, Indian Territory, January 11, 1905.

Andrew E. Willis,

c/o John Willis,

McMilla, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in your case, it will be necessary to have further testimony as to your residence in the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, January 31, 1905, and introduce testimony touching the points above mentioned, at which time this case will be taken up for final consideration.

Respectfully,

Register.

Jame Bixby.
Chairman.

REFER IN REPLY TO THE FOLLOWING

Cherokee

D 910

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 30, 1906

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that Andrew E. Willis, an applicant for enrollment as a citizen by blood of the Cherokee Nation, has been notified to appear before this office at nine o'clock A.M., on Thursday, April 12, 1906, and introduce testimony touching his residence in the Cherokee Nation.

You will be permitted to appear on said date and introduce such testimony as you may desire.

Respectfully,


Acting Commissioner

LMB

W W HASTINGS,
ATTORNEY

OFFICE OF

J C STARR,
SECRETARY

Attorneys for the Cherokee Nation

BEFORE THE UNITED STATES COMMISSION
TO THE FIVE CIVILIZED TRIBES
CHEROKEE ENROLLMENT DIVISION.

Muskogee, I. T., April 12, 1906.

Mr. J. H. Carlile,
Wauhilla, I. T.

Dear Sir:

~~Some two or three years ago either myself or J. C. Starr wrote you~~
with reference to the residence of Andrew E. Willis, who is now about 41
years of age, and who gave his postoffice in 1900 as Wauhilla, I. T. Is
he living in that country and has he lived there any since 1900, or does
he in fact live in Georgia? Please kindly write me what you know of him
in the inclosed envelope, and oblige,

Yours very truly,

W. W. Hastings

Attorney for the Cherokee Nation.

C.D. 910.
Andrew E. Willis.

Princeton N.J.
April 22 - 1906

Mr. W. W. H. H. H.

Princeton N.J.

Dear Sir,

In reply to the foregoing
inquiry in regard to Mr. Andrew
E. Willis will say that according
to the best information we get
Mr. Willis now resides in the
State of Georgia and I am
sure he has not lived in the
Neighborhood of Princeton
since the year of 1880.

Very Respectfully

J. S. H. H.

THE MATTER OF THE APPLICATION

Andrew E. Oakes

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

Original testimony Dec 7-1900

Memo. of application Dec 7-1900

Notice of final consideration 3/12/01

Cher D 911

Cher D 911

2911

DEPARTMENT OF I
COMMISSION TO THE CIVIL
FILE
DEC 8 1900

ALICE CHURCHMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 7, 1900.

In the matter of the application of Hugh M. Hays for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Hugh M. Hays.
Q How old are you? A 31.
Q What is your home address? A Stilwell.
Q What district do you live in? A Plant.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you desire to enroll? A Myself, wife and child.
Q What is the name of your wife? A Dora.
Q She's a citizen by blood? A No sir, by marriage.
Q Got any certificate of marriage? A Yes sir.
Q How old is she? A 30 years.

Applicant presents satisfactory proof of marriage to one Dora Edwards, a non citizen, on the 28th day of March, 1893, said marriage having been solemnized in Bradley County, Tennessee. Applicant also presents a certified copy of a transcript of the docket of the Commission on Citizenship in 1887, named by J.T. Adair, Chairman, D. W. Lipe, Commissioner, certified to by A.P. Cunningham, Assistant Executive Secretary, certifying that among other that one Hugh McHays was readmitted to all the rights of Cherokee citizenship on the 28th day of September, 1887.

- Q Why weren't you on the 1893 roll? A I had a good job on a passenger train, and didn't need to enroll. Didn't need the money.
Q When did you remove to the Cherokee Nation? A Born of and on here for thirty years.
Q When did you remove from Kentucky to the Cherokee Nation? A About three years ago.
Q You was admitted in 1887? A Yes sir.
Q And removed here about three years ago, what year would that be in, in about 1897? A Yes sir.
Q You were never re-admitted -- does your name appear upon the pay roll of 1894? A No sir.
Q Didn't you need money then either -- your name does not appear upon any roll of the Cherokee Nation then? A It was on the roll of '91.
Q Does the name of your wife appear upon any roll of the Cherokee Nation? A No sir.

By W. W. Hastings, representative of the Cherokee Nation--

- Q After you was admitted in 1887, did you come to the Cherokee Nation the first time in 1897; where did you ~~live~~ live between 1887 and 1897? A I lived some many places. I don't know where I lived then. I was here in 1890.
Q How long did you live here? A Three years.
Q You lived here from '90 to '93? A Yes sir, left here about '93.
Q Where did you go? A To Georgia.
Q What were you doing? A Running a train.
Q Conductor on the train? A Yes sir, braking and conductor together.
Q Then you were out of here from 1893 to 1897, or were you back here? A No, I was out of here then.
Q Are you the identical Hugh McHays mentioned in this certificate Commissioner Needles--

The name of Hugh M. Hays appears upon none of the rolls of the Cherokee Nation now in possession of this Commission. He presents satisfactory proof of his admittance to Cherokee citizenship, in the year 1887, and also presents certificate of marriage certifying that he was married in the State of Tennessee, in the year 1893, to one Dora Edwards, a non citizen. He avers that he has one child, the result of said marriage, named Curtis M. Hays, and presents satisfactory proof of birth of this child, Curtis M. Hays,

2- N.M.N.

six years of age, whose name does not appear upon the Census roll of 1896. The averment as to his residence will be found in the testimony. By reason of the testimony as to his residence, final judgment as to the enrollment of the said Hugh M. Hays, and his child, Curtis H., as citizens by blood, and Bera, his wife, as a citizen by marriage, will be suspended, and their names will be placed upon a doubtful card.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 8th day of December, 1900.

E. G. Rothenberger
[Signature]
Commissioner.

620911

2017-1-17

RECEIVED AT THE OFFICE OF THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C. JAN 17 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 17 1902

ACTING CHAIRMAN

1/17/02

Supl.-C.D.911.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of **HUGH M. HAYES,**
ET AL., as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date the case was continued by agreement until the 19th day of March, 1902. The case having this day, to-wit: the 19th day of March, 1902, been called and applicant fails to appear either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---000000000---

I, J. O. Rosson, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day, the 19th day of March, 1902, in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

The undersigned, being duly sworn, depose and say that the foregoing is a true and correct transcript of the testimony and proceedings in this case, as taken at the hearing thereat.

R. H. [Signature]

Subscribed and sworn to before me this 20th day of November, 1900.

[Signature]

Notary Public.

RECORDED

NOV 23 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of Hugh M. Hays for the enrollment of himself and child, Curtis E. Hays, as citizens by blood, and for the enrollment of his wife, Dora E. Hays, as a citizen by intermarriage of the Cherokee Nation; said Dora E. Hays, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Dora E. Hays.
Q What is your age? A Thirty-two years old.
Q What is your postoffice address? A Stilwell, Indian Territory.
Q Did you ~~ask~~ your husband apply to the Commission in December, 1900, for his enrollment and that of yourself and child? A He applied.
Q Is he a Cherokee by blood? A Yes sir.
Q You are a white woman? A Yes sir.
Q When were you married to him? A On the 25th of March, 1893.
Q Was he ever married before he married you? A No sir.
Q Were you ever married before you married him? A No sir.
Q Have you and he lived together continuously since your marriage? A Yes sir.
Q Were you living together on the first day of September, 1902? A Yes sir.
Q You never have separated? A No sir.
Q Is this child for whom your husband applied, Curtis E., living at this time? A Yes sir, he is with me.
Q Is your husband living? A Yes sir.
Q How long has your husband lived in the Cherokee Nation? A He has been in the Cherokee Nation twice; I couldn't tell you just how long he was here or what time before he was married, but he came here in February in 1888.
Q Since 1893 where has he been living? A In Stilwell.
Q Continuously? A Yes sir, we were away for several months, in and out; he was on a work train and I had a car and lived with him part of the time; we were in the territory and part of the time in the state; we had our home in the territory.
Q That was the longest time you were out since your marriage? A Yes sir.
Q That was the longest time he was out since you were married? A Yes sir, Stilwell was our postoffice all the time.
Q Where were you living on June 28, 1898? A We were living in Stilwell.
Q And have lived there continuously since that time? A Yes sir, I went to Stilwell on the 25th of April 1898 and lived there ever since with the exception of this several months.
Q Have you filed with the Commission evidence of your marriage to your husband? A Yes sir.
J.C. Starr: When did you come to the Cherokee Nation? A On the 8th of March, 1898.
Q How long did you stay in the Cherokee Nation at that time? A I have lived here ever since.
Q Where did you first locate? A We located in Stilwell; we visited around among my husband's relatives a while.
Q When did you first go to Stilwell to live? A On the 23rd of April, 1898.
Q Been there ever since? A Yes sir.
Q That was the first time you came to the Cherokee Nation to stay? A Yes sir.
Commission: I thought you stated you lived in the nation since your marriage to your husband in '93? A If I did I didn't mean to.
Q Where were you married? A In Charleston, Tennessee.
Q And didn't come here until '93? A No sir.
Q Had you ever lived here prior to that time? A No sir, I haven't; he has.
Q Have you been outside of the Cherokee Nation since 1898 for the purpose of making your home? A No sir.

I, John M. Hart do hereby

The undersigned, being duly sworn, states that as a shareholder in the business of the late civilized tribes he actually received the business and proceeds of this same, and that the foregoing is a true and correct statement of his stockholders name thereon.

John M. Hart

Subscribed and sworn to before me this 24th day of November, 1904,

BA Jones
Notary Public.

Cherokee H-611.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hugh M. Hays and Curtis E. Hays as citizens by blood, and for the enrollment of Lora E. Hays as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 7, 1899, Hugh M. Hays appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor child, Curtis E. Hays, as citizens by blood, and for the enrollment of his wife, Lora E. Hays, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 19, 1900, and again on October 24, 1900.

The evidence shows that Hugh M. Hays was admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said nation, on September 28, 1887. Thereafter, on March 28, 1893, he was lawfully married to his said wife, Lora E. As a result of that marriage the minor child, Curtis E. Hays, was born, and he is identified by an affidavit of birth made a part of the record herein.

The evidence further shows that the said Hugh M. Hays removed to the Cherokee Nation in 1890 and remained there until 1893, at which time business duties required his removal. In April, 1894, the said Hugh M. Hays returned to the Cherokee Nation and resumed his residence therein and was a resident thereof on June 26, 1898. His wife, Lora E., has lived with him continuously since their marriage, up to and including September 1, 1900. Her residence in the Cherokee Nation is the same as that of her husband. The minor child, Curtis E. Hays, has resided with his parents since birth.

It is, therefore, the opinion of this Commission that Hugh M. Hays and Curtis E. Hays should be enrolled as citizens by blood, and that Lora E. Hays should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section

twenty-one of the Act of Congress approved June 26, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

Tams Dixby.

Acting Chairman.

SIGNED,

T. B. Needles.

Commissioner.

SIGNED,

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB - 1 1903

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. B. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. C. D. 911.

Muskogee, I. T., March 6, 1902.

Mr. A. E. Ives,

Stillwell, I. T.

Dear Sir:

A man by the name of Hugh W. ~~Boxer~~ Ives has applied for enrollment of himself and family as citizens of the Cherokee Nation. He says he has been living at Stilwell for three years before December, 1900, that being the month in which he made his application. He says he has been running a passenger train in Georgia before that time. Will you kindly advise us if this man has been living at Stilwell since December, 1900, or if he has left where did he go?

Yours truly,

COMMISSIONER
HENRY L. DAVIS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-911

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

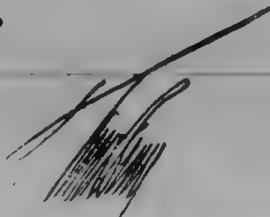
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Hugh M. Hays for the enrollment of himself and his minor child, Curtis E. Hays, as citizens by blood, and for the enrollment of his wife, Dora E. Hays, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. M-825

Wright M. Stamp et

CHEROKEE CITIZENS.

~~Memo. of application. Dec 7-1900.~~

Verified copy of marriage record.

Act of re-admission - Certified copy.

Affidavit of birth Curtis E. Hayje

Notice of final consideration, 3/12/10


6a. ~~10. 1. 1.~~

Ch. H.

Cher D 912

Cher D 912

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 10 1900


ACTING CHAIRMAN

2412

INVESTED AS TO HIS MIND.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 8, 1900.

In the matter of the application of Mayajah Cochrane for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Buckner Edgar E. testified as follows:

Q Give me your full name? A Raymond C. Johnson.
Q How old are you? A I am 41 years old.

Q What is your position? A Highway Engineer.

Q In what district do you live?

Q In what district do you live? A The 14th

Q. Now is it you want to enroll your wife? A. No and the wife.
Q. No children? A. No sir. I have one, but it has been en-
rolled.

Q. You say it began to be enrolled when you and your wife are not enrolled? A. My first wife is dead, and she had also children.

And your sister took the little one and raised it.

And your sister had it on a plode A Tag sir.

Are you a member of any local... A Yes
In your opinion... A Yes

To your friend with a reminder to load. A Yea sir.

Q. Now you lived in the Ch. House in 1941 in all your life? A. Yes.

Is he dead? I saw him.

1944

THE UNIVERSITY OF CHICAGO

Give me the money.

Give me the name of your friend who
lives in the same house as you.

Q. Now did you see... A. Yes, I did. I think it is about...

When did you marry her? I met her in 1962. A year after that, in 1963.

1 rated August 1, 1900. A You Sept. 10, 1900.
I have been a participant of your work. A You air, I have been

...I don't know what he was thinking about at the time, but I think he was trying to make a point.

...that is his present name or not,

Is he dead? Yes, sir, he is dead.

It is a fact that the Government of India has been unable to secure the necessary funds to meet the requirements of the various departments of the Government.

14 4-4-44: 1. Dec 14 11:45

1913 746 2473 Squash Squash Tak Tak Squash Native Squash

Matrix Plaintiff, The old man went by the name of George Post. I understand his name was Angery.

And the mother, do you know of any more she sent y except Gabes
Sent by Gary.

Is there a full-blooded Negro in the air?

Is she a full-blood Cherokee? I don't know, whether she is not; or a half-breed, I don't know much about the matter.

How long has George been inside A I don't know.

NO full page 4 for Sullivan's page and page 1154 full page 1154 for Sullivan's page and page 1154

roll as stepchild of Babes

George was dead and your wife's mother married George A. Van der

His brother-in-law, The applicant applying for the enrollment of himself and his wife, he is identified on the rolls of 1900 as a native Cherokee; he has lived in the Cherokee Nation since 1912 and he will be listed for enrollment as a Cherokee by 1924.

His wife is identified under a bar alleged maiden name on the
of 1964; he states that he and his wife were married September

Benjamin Cookman et al 12

of the present year, and that she is - Cherokee by blood; she is identified as a native of the same; he has not a certificate of his marriage; for the forth - uncontroverted - incontrovertible proof of his marriage and for further identification of his wife, she is said to have lived in the Cherokee Nation all her life she will now be listed for identification as a Cherokee by blood upon a death record.

M.D. Green, being first duly sworn, at ten that as of his return to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this December 10th 1900.

C. B. Green

Committed to file.

912

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1900

~~RECEIVED~~
ACTING CHIEF

SUPPLEMENTAL IN HICKORY COCHRAN.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Tahlequah, I. T., December 4, 1900.

In the matter of the application of SABRA CARY for the enrollment of herself and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give me your full name? A Sabra Cary.
Q How old are you, A Mother says I was three years old when the War broke out.
Q You are about 42 years old? A Yes sir.
Q What is your post-office address? A Helvin.
Q In what district do you live, A Tahlequah.
Q Who is it you want to have enrolled? A Me and my children.
Q How many children, A 6 children.
I have got one that's married, - five that are at home with me now.
Q Five unmarried and under 21, A Yes sir.
Q You are Cherokee by blood? A Yes sir.
Q You have no husband to apply for? A No sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Lived here all our life, A Yes sir.
Q Give me the name of your father, A David Hooglan.
Q Is he dead? A Yes sir.
Q Give me the name of your mother, A Rebecca Hooglan.
Q Is she dead? A No sir.
Q How many times have you been married, A I have been married, - I have lived with four men.
Q All Cherokee by blood, A Yes sir, All Cherokees.
Q Give me the name of your first husband? A My first husband was Buffalo Whitkiller; that's all the one I was ever lawfully married to.
Q Is he dead? A No sir, he is living, - separated from him.
Q Now give me the name of your second husband? A Sam Osage.
Q Is he dead, A Yes sir.
Q Give me the name of your third husband, A Sam Butler.
Q Is he dead, A Yes sir, he is dead.
Q Give me the name of your fourth husband? A Dick Cary.
Q Is he dead? A No sir, he is living.
Q You are not living with him? A No sir, I am separated.
Q But he is a Cherokee by blood? A Yes sir.
Q Now give me the names of these five children.
The oldest one is born all Cherokee.
Q How old is that child? A She is an year, I can guess about 18.
The next child, A Vina Osage.
Q How old is that? A No sir.
Q How old is that child? A Going on 15 I think.
The next child, A Willie Osage.
Q How old is that? A Going on 14.
The next child? A James W. Butler.
Q How old is that child? A Going on 11 years old.
Will be 11 years old Christmas.
Q Next child? A Beeline Butler, same age; they are twins.
Q That's all now? A Yes sir.
Q These children are all living now are they? A Yes sir.
They are all living at home.
Q Now you have a married child? A Yes sir, my oldest daughter is married.
Q To whom is that child married? A She married Sequoyah Cochran.
Q What was her name before she was married? A Rebecca Osage.
Q She is about 19 years old? A I think she is going on 20.
Q She was born after the roll of 1880 was made? A Yes sir, I think so.

Sabra Cary

Q How are you found on the roll of 1880? A As Noogian.
 1880 roll page 746 #1553 Sabra Nugen Tablequah native Cherokee
 1880 roll page 1155 #2004 Sabra Cary Tablequah Dist
 1880 roll page 1217 #2342 Dora Oange Tablequah Dist
 1880 roll page 1217 #2343 Vicanna Oange
 Q You want her spelled Vina don't you? A Yes sir.
 1880 roll page 1217 #2344 Sallie Oange Tablequah Dist
 1880 roll page 1141 #301 James H. Butler Tablequah
 1880 roll page 1141 #302 Meline Butler

REBECCA NOOGIAN being sworn and examined by counsel for
 Breckinridge testified as follows:

Q Give your full name please. A Rebecca Noogian.
 Q How old are you? A I must be about 28.
 Q What is your post-office? A Tablequah.
 Q How long have you lived in the Cherokee Nation? A I have
 been in the Cherokee Nation ever since I was three years old.
 Q Are you the mother of this applicant Sabra Cary? A Yes
 sir.
 Q What was the name of your husband Noogian? A Mark Your son;
 his right name was David Noogian.
 Q What was the name of her first husband, this woman says
 A Whitekiller.
 Q That was the first man she ever lived with? A Yes sir.
 Q Then she lived with another man as his wife? A Yes sir,
 Sam Oange.
 Q And after ~~Sam Oange~~ Sam Oange she lived with another man
 Yes sir, Sam Butler.
 Q And Butler died and she lived with another man
 A Yes sir, Dick Cary.

APPLICANT RELATED:

Q Dick Cary has never had a divorce from you? A No sir, we
 never was lawfully married.
 Q But you lived together as man and wife? A Yes sir.
 Q Did you ever get a divorce from Whitekiller? A No sir.
 You just broke off? A Yes sir, just broke off.

Her Breckinridge: The applicant applies for the enrollment
 of herself and five children; she is identified on the rolls of
 1880 and 1886 as a native Cherokee; she has lived in the Cherokee
 Nation all her life; the variations in name are explained by
 the applicant and her father and she will now be listed for en-
 rollment as a Cherokee by blood.

Of the five children, the first three, Dora T., Vina and Sallie
 are by her former husband White; they are all minors, are living,
 and will be listed for enrollment as Cherokees by blood; the next
 two, James H. and Meline Butler, are children by her former husband
 of that name; they are living and will be listed for enrollment
 as Cherokees by blood;

A copy of this testimony will also be filed in the applica-
 tion of Sequoyah Cochran who is shown in his own application
 to have married an older daughter of the applicant, as his testi-
 mony reveals the 1880 enrollment of the mother of the life of
 Sequoyah Cochran; it supplies the testimony therein needed, and it
 also supplies satisfactory personal testimony as to the mar-
 riage between Sequoyah Cochran and the present applicant's daughter.

U.D. Green, being first duly sworn, states that as stenographer to

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Beckey Cochran, as a citizen of the Cherokee Nation.

On the 8th day of December, 1900, Sequoyah Cochran
appeared before the Commission to the Five Civilized Tribes, and
made application for the enrollment of his wife Beckey Cochran, as
a citizen of the Cherokee Nation. He also made application for
himself, but as he is differently classified he is not embraced in
this decision, nor considered at this time.

At the conclusion of the testimony offered at that time,
the name of Beckey Cochran was placed upon a "Doubtful" card for
further consideration regarding her identity as a citizen by blood
of the Cherokee Nation. Further evidence in the matter of this
application has been submitted to the Commission, and the following
decision is rendered:

D E C I S I O N

--000--

From all the evidence of record in this case, it appears
that Beckey Cochran, who is identified upon the Cherokee census
roll of 1896; at the time of this application was 19 years of age,
and was married to her husband Sequoyah Cochran on the 1st day of
September, 1900.

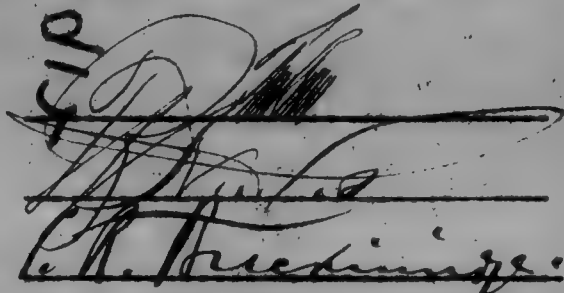
It further appears from the record -- in this case, that
the mother of the aforesaid Beckey Cochran, whose maiden name was
Sabra Neogian, is identified on the Cherokee authenticated tribal
roll of 1890 as Sabra Negean.

The Commission is authorized to make rolls of citizenship
of the Cherokee Nation by the following provision of the Act of

Congress approved June 20, 1900 (30 Stat. 405)

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the rolls of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authority who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission that Deeky Cochran is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

CIP

C. H. Redding

Dated at Muskogee, Indian Territory,

Commissioners.

this 9th day of April 1902.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-912

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Becky Cochran, No. D-912, for enrollment as a citizen of the Cherokee Nation.

~~You are advised that you will be allowed fifteen days from date~~
hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Becky Cochran, as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,



Acting Chairman.

Encl. D-912.

DECKY ROCHMAN
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

A. Original testimony. Dec 8-1900.

B. Memo. of application. Dec 8-1900.

C. Supplemental testimony Dec 8-1900.

Oct 3, 1900.

Trans. Sec.

96

See Cher. Jacket # 6289

See Cher. Jacket # 6282

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 10 1900

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T. December 8th 1900.

In the matter of the application of Don Akins for enrollment as a Cherokee citizen. He being sworn before Commissioner Needles testified as follows-

- Q What is your name? A. Don Akins.
Q What is your age? A. 30.
Q What is your post office address? A. Salisaw.
Q What district do you live in? A. Flint.
Q Are you a Cherokee by blood? A. Yes sir.
Q What is your father's name? A. Andy Akins.
Q Is he living? A. Yes sir.
Q What is your mother's name? A. Sarah.
Q Is she living? A. No sir.
Q Do you want to enroll anybody but yourself? A. No sir.
Q Why don't your father enroll you? A. I don't know.
Q Do you live with him? A. No sir. I live with my half brother Jack Bean.

1880 roll, page 406, page 80, Andy Akins, Goingnowake dist.

- Q Was your mother a Cherokee? A. No sir, she was a white woman.
Q Was your father married to her? A. Yes sir.
Q How do you know it? A. That is what my brother told me.
Q Was you on the 1896 roll as Bean or Akins? A. As Bean.

1896 roll, page 738, No 272, Don Bean, Goingnowake
1894 616 143, Dan Bean

- Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Your mother is dead you say? A. Yes sir.
Q She was a white woman? A. Yes sir.
Q What was her name? A. Sarah Finley.

The name of Don Akins appears on the census roll of 1896 as Don Bean and on the pay roll of 1894 as Dan Bean. He avers that he is the child of Andy Akins whose name appears on the authenticated 1880 roll, and that his mother was Sarah Finley a white woman. No proof of marriage is presented as having been solemnized between the said Andy Akins and Sarah Finley, the father and mother of the applicant. He avers that he was put on the census roll of 1896 and the pay roll of 1894 as Bean by his half brother Jack Bean. Consequently because of no proof of marriage between Andy Akins and Sarah Finley, the application for the enrollment of Don Akins will be suspended and his name will be placed on a doubtful card.

SUPPLEMENTAL TO THE ABOVE CASE:

John V. McPhearson being called and sworn as a witness in the above cause, testified as follows-

- Q What is your name? A. John V. McPhearson.
Q What is your age? A. 63.
Q Do you know Andy Akins and is he living? A. Yes sir.
Q Do you know Sarah Finley, a white woman/ supposed to have been married to Andy Akins? A. I know the widow Bean, who is the mother of this boy.
Q Were the said Andy Akins and Widow Bean ever married? A. No sir.
Q Was she the mother of Don Akins, sometimes known as Don Bean? A. Yes sir.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and

Ben Akina . . 2.

correct transcript of his stenographic notes.

Chas. Converse

Subscribed and sworn to before me this the 10th of December, 1900

C. Mearns
Commissioner.

D-513.

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, D. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Ben Atkins for the enrollment of himself as a citizen of the Cherokee
Nation.

The applicant was notified by registered letter February 20,
1902, that his application for the enrollment of himself as a citizen
of the Cherokee Nation was under consideration by the Commission
at its offices in Washoe, D. T., on the 12th day of March, 1902,
and that on said date he might appear before the Commission,
either in person or by attorney, when an opportunity would be
given him to introduce any further testimony affecting his
application. The applicant, Ben Atkins, on the 12th day of
March, 1902, having been called, and failing to respond, it is deemed
that his case is completed, and same will be reported to the Com-
mission for final decision upon the evidence now of record.

FILED
MAR 18 1902
U. S. DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D. C.

I, the undersigned, do hereby certify that as stated, under the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-923.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., March 12, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Ben Akins for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1903, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its office in Washoe, I. T., on the 12th day of March, 1903, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant, this date, to-wit: the 12th day of March, 1903, having been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

C20 9/15

FILED
APR 3 - 1905
COMMISSION TO FIVE TRIBES.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of Don Akin as a citizen of the Cherokee Nation.

Don Akin being duly sworn, testified as follows:

COMMISSION:

- Q. What is your name? A. Don Akin.
Q. What is your post office address? A. Sallisaw.
Q. How old are you? A. 24 years old.
Q. What is your father's name? A. Andy Akin.
Q. Have you ever lived with your father? A. No sir, never did.
Q. Do you know whether your father was ever married to your mother? A. I suppose so, they say so.
Q. Has Andy Akin ever acknowledged you as his son? A. Yes sir.
Q. Your mother is dead, is she? A. Yes sir.
Q. She was a white woman? A. Yes sir.
Q. Have you ever spoken to your father? A. Yes sir.
Q. Does he always say that you are his son? A. Yes sir.
Q. Did he tell you so, himself? A. Yes sir.

(Andy Akin is identified on Cherokee card number 266 as Andy T. Akin--- the alleged father of this applicant--- and is numbered 771 upon the final roll, approved by the Secretary of the Interior.)

- Q. Do you know what year you were born in? A. In the year of '80.
Q. What month? A. September.
Q. What day? A. 11th.

MR. HASTINGS:

- Q. What is your post office address? A. Sallisaw.
Q. What is your father's name? A. Andy Akin.
Q. What is his post office address? A. Westville.
Q. Were your father and mother ever married? A. Yes sir.
Q. When? A. I have forgot.
Q. Have you any evidence of their marriage? A. No sir.
Q. Did they ever live together as husband and wife? A. Yes sir.
Q. Where? A. In Going Snake District.
Q. Were they living together at the time you were born? A. Yes sir.

- Q. Who married them? A. I don't know.
- Q. Have you offered any proof of their marriage? A. No sir.
- Q. Has your father ever testified in your behalf? A. No sir.
- Q. Where are you living? A. At Sallisaw with my halfbrother, Jack Bean.
- Q. Did you ever live with your father? A. No sir.
- Q. Did you draw the Strip Money in '94? A. I drew once.
- Q. Did you draw the \$265.70? A. I drew once.
- Q. You do not know of your own knowledge that your father and mother were married? A. Only just what I have been told.
- Q. Is your mother living? A. No sir.
- Q. How old were you when she died? A. Six years old.
- Q. Your father and mother were not living together at the time of her death? A. No sir.
- Q. Hadn't your father married previous to the death of your mother? A. What is it?
- Q. Your father was married to a woman at Westville? A. Yes sir.
- Q. When did he marry her? A. I don't know.
- Q. How old are you? A. 24.
- Q. What day were you born? A. The 11th. day of September, 1880.
- Q. Do you know where you were born? A. In Going Snake District.
- Q. Do you know what Andy Akin's present wife's name is? A. Yes sir.
- Q. What is it? A. Jennie.
- Q. Do you know Mary A. Akin? A. Yes sir.
- Q. Who is she? A. She is Andy's sister.
- Q. Have you always lived in the Cherokee Nation? A. Yes sir.
- Q. Have you always lived with your halfbrother, Jack Bean? A. Yes sir.
- Q. You did not draw the Strip Money in '94? A. I don't remember drawing but once.
- Q. Your mother was a white woman? A. Yes sir.
- Q. Did she ever marry before she died? A. No sir.
- Q. Where was she living? A. In Going Snake.
- Q. With whom? A. No one, just me and my youngest halfbrother, Joe Bean.
- Q. Younger than you? A. No, older than me.
- Q. Did she have anyother children besides yourself and Joe Bean? A. Yes, she had Wad and Jack Bean.
- Q. You do not know whether she was ever lawfully married or not? A. No sir, I don't.

WITNESS EXCUSED.

Case continued to April 13, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this 1st. day of April, 1905.

Myron White
Notary Public.

Reed H. Reed

FILED
MAY - 3 - 1995
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
3 MILES NORTH OF SALLISAW, I. T.
APRIL 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DON AKINS as a citizen by blood of the Cherokee Nation.

JOHN M. BEAN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John M. Bean.
Q What is your age? A 46.
Q What is your post office address? A Sallisaw, I. T.
Q What is the name of your father? A Joseph M. Bean.
Q Is he living? A No sir.
Q When did he die? A In '72.
Q What is the name of your mother? A Sarah Bean.
Q Is she living? A No sir.
Q When did she die? A In 1886.
Q Are you a citizen by blood of the Cherokee Nation? A I am.
Q Through which one of your parents do you derive Cherokee blood? A
A My father.
Q Your father was a citizen by blood of the Cherokee Nation? A Yes sir.
Q Was your mother a white woman? A Yes sir.
Q She wasn't a citizen by blood? A No sir.
Q Your mother and father were not living together in 1880 because your father was dead? A My father was dead.
Q Was your mother living with any other Cherokee citizen in 1880?
A No sir, not as husband and wife.
Q She is not on the 1880 Roll herself? A I suppose she is, I don't know, she was an adopted citizen, I can't tell you.
Q What District was she living in in 1880? A In Goingsnake District when she died, in 1880, she was then in Goingsnake District.
Q What name would she be under in 1880? A Sarah Bean.
Q How old was she in 1880? A I will have to study a minute. I don't know the year mother was born, she was about 38 I suppose.
Copy of the 1880 Roll having been examined and the witness's mother identified along with himself upon that roll, Goingsnake District, as an adopted white, 38 years of age.
Q Sarah Bean is your mother and she was an adopted white was she?
A Yes sir.
Q Your father died prior to the 1880 Roll? A Yes sir.
Q Was your mother subsequently married to a citizen of the Cherokee Nation? A No sir.
Q Was she living with a Cherokee citizen along in 1880 sometime?
A As I told you she took up with a man and they lived together.
Q What was his name? A Andrew T. Akins.
Q He was a recognized citizen by blood was he? A Yes sir.
Q Did your mother have a child by this man? A Yes sir.
Q What is the name of that child? A Don Akins.
Q About what time was he born? A He was born September 11, 1880.
Q He was born too late to be put on the 1880 Roll? A Yes sir.
Q Is Don Akins your half brother? A Yes sir.
Q Is he living? A Yes sir.
Q Is his mother Sarah Bean living? A No sir.
Q Where is Don Akins? A He is living here in Sequoyah District with E. E. Adair.
Q Don Akins was born in the Cherokee Nation? A Yes sir.

- Q Has he ever lived outside of the Cherokee Nation? A No sir, not that I know of, I don't suppose he was ever 10 miles outside of the Cherokee Nation in his life.
- Q Has Andy Akins ever recognized Don Akins as his son? A Yes sir in speaking about him he speaks of him as his son.
- Q He has in different ways acknowledged Don Akins as his child?
- A Yes sir, he helped me come in providing for him.
- Q You have been the custodian of this boy since his mother's death and Andy Akins has helped provide for the boy? A Some, yes, not much.
- Q Then Andy Akins not only not denied the parentage of Don Akins but has admitted it as well? A Yes sir, to me.
- Q Is Don Akins known by the name of Don Akins or Don Bean? A He is commonly known as Don Akins here but up in Goingsnake they call him Don Bean.
- Q What is his real name? A Don Akins.
- Q Under what name was Don Akins enrolled on the 1896 Cherokee Census Roll? A Don Bean.
- Q The Don Bean on the 1896 Census Roll is the Don Akins that you are testifying about? A He is.
- Q Who put him on the 1896 Census Roll? A I had it done.
- Q Has his right to enrollment as a citizen of the Cherokee Nation ever been disputed by the Tribal Authorities? A No sir.
- Q Has he ever drawn any money as a citizen of the Cherokee Nation? A Yes sir.
- Q State about when he drew money? A He drew money in 1883, he drew money in 1886, he drew money in 1890, and drew money in 1894.
- Q He has no Cherokee blood except that derived through his father Andy Akins? A Yes sir that is all the Cherokee blood he has.
- Q Is it commonly known in the community in which Don Akins was born that Andy Akins was his father? A Yes sir.
- Q Has he ever been married? A No sir.
- Q He is now a young man about 22 or 23 years old? A He is older than that, about 24 or 25. Yes sir he is 24, will be 25 in September.
- Q He is now living and making his home in Sequoyah District? A Yes sir.

The applicant is identified on the 1896 Cherokee Census Roll under the name of Don Bean, in Goingsnake District, No. 272, and is listed for enrollment from information on Cherokee D-913.

EDWARD E. ADAIR, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Edward E. Adair.
- Q What is your age? A Nearly 53.
- Q What is your post office address? A Sallisaw, I. T.
- Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Do you know a boy by the name of Don Akins or Don Bean? A Yes sir.
- Q Is he living with you at present? A Yes sir.
- Q How long have you known him? A I have known him ever since he was a boy.
- Q Were you acquainted with his mother, Sarah Bean? A Yes sir.
- Q Was she a white woman or citizen by blood? A White woman.
- Q Do you know who the father of this Don Akins is? A Not any more than a supposition, A. T. Akins is claimed to be his father.

- Q It is the general report of the community in which the boy was born and reared that Andy Akins was his father? A Yes sir.
- Q Is Andy Akins a recognized citizen by blood? A Yes sir.
- Q In what District was he living in 1890? A In Goingsnake.
- Q Is he on that roll in 1890? A I think you will find him there.
- Q What is Andy Akins full name? A Andrew Tayler Akins, he signs his name as Andrew T. Akins.
- Q Has Andrew T. Akins ever recognized this boy as his son? A I don't know, I suppose he has, I understood so.
- Q Has the right of Don Akins as a citizen by blood of the Cherokee Nation ever been questioned to your knowledge? A No sir.
- Q To the best of your information Andrew T. Akins has recognized this boy as being his son? A Yes sir, I have always understood that.
- Q In what District was Don Akins living in 1896? A I couldn't answer that question now. In '96, I don't know where he was then, he might have been, I think may be in Goingsnake.
- Q Is this boy sometimes known as Don Bean? A We call him Don Bean.
- Q His real name is what? A It would be Don Akins.
- Q He is living at present and has been all his life in the Cherokee Nation? A Yes sir.
- Q And so far as you know his right has never been questioned?
- A No sir.
- Q Does he have the appearance of a Cherokee by blood? A Yes sir, he doesn't know anything about anybody else but the Cherokees.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 3rd day of May, 1905.

NOTARY PUBLIC

Myron White

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.P.B.
Dobb

In the matter of the application made for the enrollment of Don Akin as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 8, 1900 Don Akin appeared before the Commission, at Tahlequah, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on March 30, 1903, and at Sallisaw, Indian Territory, on April 7, 1903.

It is further shown from the record herein that the said Don Akin, the applicant, is of Cherokee blood, and was about 20 years of age at the time of his application for enrollment; that he derives his right to enrollment solely through his father, Andy T. Akin, who is duly identified upon the 1830 Cherokee authenticated tribal roll, Going Snake District, and whose name appears upon the final roll of citizens of the Cherokee Nation opposite No. 771; that he was born in the Cherokee Nation and from birth has made his home continuously therein.

The applicant, having been born since the 1830 Cherokee tribal roll was made, is duly identified upon the 1896 Cherokee Census Roll, Going Snake District, under the name of Don Bean.

It is, therefore, the opinion of this Commission that Don Akin should be enrolled as a citizen of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (32 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

Muskogee, Indian Territory,

(SIGNED)

C. R. Breckinridge.

Commissioner.

MAY 26 1905

COMMISSIONERS:
TAMM BENT,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ABAD
ANSWER IN REPLY TO THE FOLLOWING:

Cherokee De 913.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Don Akins as a citizen by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to establish the rights of the applicant to enrollment as a citizen by blood of the Cherokee Nation.

The said Don Akins has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 13, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of the said application.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

W. M. O'NEILL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN FULL TO THE FOLLOWING:
Cherokee 3-612.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 26, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Dan Akin as a citizen of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Incl. 3-70

Chairman,

IN THE MATTER OF THE APPLICATION OF

Wm A James

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Dec, 8-1900.

B. Memo. of application. Dec 8-1900

C. Notice of final consideration, 3/12/01

JUN 23 1905

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COMMISSION FOR THE IMPROVEMENT OF THE
MISSION FOR THE IMPROVEMENT OF THE

FILED

DEC 10 1900

[Signature]

ACTING CHAIRMAN.

416 D

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 8, 1900.

In the matter of the application of Betsey Greene for the enrollment of George Candy as a Cherokee citizen; one being sworn and examined by Commissioner C. R. Brinkmire, testimony as follows:

- Q Give me your full name. A Betsey Greene.
Q How old are you? A About 37.
Q What is your postoffice? A Tahlequah.
Q You live in Tahlequah district, do you? A Yes sir.
Q Who is it you want to enroll; for a nephew of yours? A Yes sir, George Candy.
Q How old is he? A I expect he is about 24 years old.
Q Why couldn't he enroll for himself? A He would if he was here.
Q Where is he? A He's in the Army.
Q In the Philippine Islands? A Yes sir.
Q What regiment does he belong to? A I couldn't tell you.
Q You can find out; can you let us know? A (No Answer.)
Q Is George Candy a Cherokee by blood? A Yes sir.
Q Has he lived in the Cherokee Nation all his life? A Yes sir.
Q Lived here until he went to the Army? A He went last summer.
Q Was it here before and came back and then went again.
Q Where did he enlist? A At Muskogee.
Q You don't know what command he enlisted in? A No sir.
Q I think he belongs to the 40th Infantry Volunteers; you don't know whether that is so or not? A No sir.
Q You give that in as likely to be so? A Yes sir.
Q You think it is in Company "H" do you? A Yes, I will go.
Q You are not certain about the Company, but think it is Company "H"? A Yes sir.
Q Give me the name of this boy's mother? A His name is Tom Candy.
Q Is he dead? A Yes sir.
Q Give me the name of this boy's mother? A Julia.
Q Is she dead? A Yes sir.
1. Roll: page 748, 1494, George Candy, Tahlequah district.
1. Roll: page 748, 1495, Julia Candy, Tahlequah.
Q How old Julia died? A Five or six years ago.
1895 roll: page 136, 1858, George Candy, Cooweescoowee district.
Q Aren't you mistaken in this boy's age, is he quite 24? A I think he is. My daughter and him are the same age.
Q He is identified with his mother as two years of age? A He's as old as my child. She's been dead a year and she was 25 years old.
Q What is George Candy's postoffice address? A Tahlequah.
Q Any letters he would get he would have sent to him? A Yes sir.

Commissioner Brinkmire—

The applicant applies for the enrollment of a nephew, George Candy, given as 24 years of age, and who is said to be in the 40th regiment of Volunteer Infantry in the Philippines. She is permitted to make application for him, because of his being absent on military service. He is identified on the rolls of 1880 and 1895 as a native Cherokee, being identified on the former roll with his deceased mother. He is said to have lived in the Cherokee Nation all his life, except when on military service, and he will now be listed on a doubtful card as a Cherokee by blood, he being placed upon a doubtful card in order that the Commission may verify the military records if it desires so to do.

E. G. Rothemberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothemberger

2- B.O.

Subscribed and sworn to before me this 10th day of December, 1900.

C. H. Munnice
Commissioner.

RECEIVED BY THE SECRETARY OF THE DEPARTMENT OF JUSTICE

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Supplemental Statement, C.-D. 4014.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TALLAHASSEE, I. T., NOVEMBER 7th, 1901.

SUPPLEMENTAL STATEMENT in the matter of the enrollment of George Candy as a Cherokee citizen.

Can't Needham: On this day came George Candy in person, having served his time in the United States Army and applies to be enrolled as a citizen of the Cherokee Nation. Upon examination of the records it is found that said George Candy was duly listed for enrollment on Cherokee doubtful card 4011, the reason his name appearing upon a doubtful card was the fact that at the time his application was made he was a soldier in the United States Army and located in the Philippine Islands. He now appears in person which obviates all objection to his being listed on a straight card as a Cherokee citizen by blood.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this November 9th, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Candy, as a citizen of the Cherokee Nation.

On the 8th day of December, 1900, Betty Green appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of her nephew George Candy, as a citizen by blood of the Cherokee Nation.

At the conclusion of the Testimony offered at that time, the name of George Candy was placed upon a "Doubtful" card for further consideration, which has resulted satisfactorily to the Commission, and the following decision is rendered:

DECISION

--oOo--

From all the evidence of record in this case, it appears that George Candy is 24 years of age, and is identified upon the Cherokee authenticated tribal roll of 1880, and at the time of this application was serving in the Philippine Islands as a soldier in the United States army.

It further appears that on the 7th day of November, 1901, George Candy appeared in person before the Commission to the Five Civilized Tribes, and renewed the application hereinbefore shown.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the

P. 914 - 1 -

Sherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted, and they shall investigate the rights of all other persons whose names are found on any other rolls and grant all such as may have been wrongfully removed by fraud or at their own liberty of last, enrolling the same as may have tribal rights thereto, and their descendants, and place such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee law.

In view of the facts and the law in this case, it is the opinion of the Commission that George Gandy is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



C. H. McChesney

Dated at Muskogee, Indian Territory,

this 23 day of April, 1903.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

MADE IN REPLY TO THE FOLLOWING:

Cherokee D-914

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of George Candy, No. D-914, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said George Candy as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,



Acting Chairman.

Encl. D-914.

James X. X. X. X.
FOR ENROLLMENT AS
CHEROKEE CITIZENS.

- A. Original testimony. Dec 8-1900
B. Memo of application. Dec 8-1900
C. Supplemental Statement Nov 7, 1900

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Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., Decm or 8, 1900.

In the matter of the application of Margaret A. Stewart for the enrollment of herself, husband and children as Cherokee citizens; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Margare A. Stewart.
Q How old are you? A 36 next birthday.
Q What is your postoffice? A Vasson.
Q What district do you live in? A Coowasee.
Q Who is it you want to enroll; yourself dan family? A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your husband a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A No sir.
Q How long have you lived in the Nation? A I don't know that I can tell you exact y.
Q Where were you born? A In Tennessee.
Q Do you know when you came here? A I can't recollect.
Q You came when you were very small? A Yes sir.
Q Give me the name of your father. A James Hale.
Q Is he alive? A Yes sir.
Q Give me the name of your mother. A Nancy J.
Q Is she alive? A Yes sir.
Q When were you married? A I was married in 1895, I reckon.
Q Have you your marriage license and certificate? A I haven't got them with me.
Q Where are they? A At home.
Q In what year do you think you were married? A I think it was in 1895. I won't be certain now.
Q Give me the name of your husband. A Washington W. Stewart.
Q How old is he? A He's about 38 I guess.
Q Where is he at this time? A He's at home.
Q Why didn't he come with you? A He couldn't. He didn't think there was very much use in coming. He didn't think he could enroll.
Q He was married to you under a Cherokee license? A Yes sir, he had both United States and Cherokee license.
Q Has he lived with you ever since he married you? A Yes sir.
Q Were you ever married except to him? A Yes sir.
Q How many times were you married before you married your present husband? A Just once.
Q Was that husband dead when you married this husband? A Yes sir.
Q What was the name of your first husband? A Alex Robbins.
Q Was he a white man or Cherokee? A Cherokee.
Q Have you any children alive by that husband? A No sir.
Q Was this husband ever married before he married you? A Yes sir.
Q How many times was he married before he married you? A Just once.
Q Was that wife dead when he married you? A No sir.
Q Was he divorced from her? A Yessir.
Q Have you a copy of the decree of divorce? A Yes sir.
Q Where is it? A At home.
Q What was the name of his first wife? A Chastine.
Q What was her name when he married her? A Chastine, is her surname.
Q What is her other name? A I am trying to think of it; I don't remember the balance of the name.
Q And you say your husband was divorced from her before he married you? A Yes sir.
Q He had only been married once before he married you? A Yes sir.
Q Do you know whether your father or mother was admitted to citizenship by the Cherokee Commission or Council? A I couldn't say that I knew.

2- M.A.S.

- Q Did you ever hear it; what is there about that? A I have seen his certificate.
Q Where is the certificate? A I don't reckon he's got it with him.
Q Give me the names of your children. A James A.
Q How old is that child? A He will be three years old next April.
Q Give me the name of the next child? A John W.
Q How old is that child? A Six months old.
Q Your father's name is James M. Hale, isn't it? A Yes sir.

Witness, James M. Hale, being sworn, testified-

- Q Give me your name. A James M. Hale.
Q Give me your age. A 49.
Q What is your postoffice? A Welch, I.T.
Q How long have you lived in the Cherokee Nation? A Ever since '84.
Q You were admitted to citizenship were you by the Cherokee Court on Citizenship? A Yes sir.
Q In what year were you admitted? A I, suppose as well as I remember in 1896, something near there.
Q Lived here ever since? A Yes sir.
Q Give me the name of your wife? A Nandy J.
Q Were you married to her at the time you were admitted? A Yes sir.
Q Were you ever married except to her? A No sir.
Q She's still living with you, is she? A Yes sir.
Q You know this applicant here, Margaret A. Stewart? A Yes sir, she's a daughter of mine.
Q Was she living at the time you were admitted? A Yes sir.
Q What is the name of her husband? A Wash W. Stewart.
Q She's never been married except to him? A She was married before.
Q Her former husband was dead when she married this husband? A Yes sir.
Q She was admitted the same time you were? A Yes sir.

Applicant ~~Margaret A. Stewart~~ — I think I made a mistake in giving in my marriage. I was married in 1896 instead of 1895.
1896 roll; page 1332, #2749, Margaret A. Robbins, Tahlequah district.

Witness, Continued-

- Q What was the name of your daughter's first husband? A Aleck Robbins.
Q She was a Robbins in 1896? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrollment of herself, her husband, and two children. She states that she was admitted to citizenship by the Cherokee Commission on Citizenship in 1888 or 1887 with her father, and other members of the family, and that she has lived in the Cherokee Nation ever since. She is not able to present at this time official evidence of her admission to citizenship, but she is identified on the roll of 1896. The variations in name are satisfactory explained by her own and her father's testimony. She will now be listed for enrollment as a Cherokee by blood on a doubtful card to await official evidence of her admission to citizenship. She states that she and her present husband were married in 1896, and that they were married under Cherokee law. The fact of their marriage is established by her own and her father's testimony, but she is unable at this time to produce the

3- N.A.S.

license and certificate. In any event, her husband would not be entitled to enrollment as he married since December 16, 1888, the date of the Cherokee law prohibiting the further requirement of citizenship by intermarriage. The application for the enrollment of her husband is rejected. She also presents certificates of birth of her two children, James A., and John W., these children will be listed for enrollment as Cherokees by blood upon a doubtful card to await official evidence of their mother's admission. She is desired to supply the Commission with an official copy of the records of the Cherokee Commission on Citizenship, proving her admission and also to supply the Commission with the license and certificate of her last husband's marriage, which she states she has in her possession at home.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 10th day of December, 1900.

E.C. Rothenberger
Commissioner

Supl.-C.D.#915.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 20, 1902.

SUPPLEMENTAL in the matter of the application for enrollment
of MARGARET A. STEWART, ET AL., as citizens of the Cherokee Nation:

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 12th day of March, 1902. Receipt was acknowledged of Commission's letter, and on said date the applicant appeared by her attorney, S. F. Parks, and by agreement the case was continued until the 20th day of March, 1902. The applicant this day, to-wit: the 20th day of March, 1902, appears by her attorney.

Commission: It is directed that a copy of the certificate of admission to Cherokee Citizenship filed in the case of James M. Hail, No. 6245, be filed with and made part of the record in this case.

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION.

Q To all Whom it May Concern--Greeting:

This is to certify, that the following named, to-wit: James M. Hail, male age 36 years, Margaret Hail, female, age 11 years, Ida F. Hail, female age 9 years, John G. Hail male, age 8 years, Lillie B. Hail, female age 4 years, Elizabeth F. Hail, female age 8 months, did pursuant to the provisions of an Act of the National Council of the Cherokee Nation approved December 8th, 1886, entitled "An Act providing for the appointment of a Commission to try, and determine, applications for Cherokee Citizenship," make such application to and before said "Commission" on the 23d day of May, 1887; that the proof submitted by the above named James M. Hail in support of his said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the Nation Council--and that, by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said act, the above named parties (applicants for citizenship) are, from this, the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Art. 1 of the Constitution of the Cherokee Nation; and this certificate of the said decision of the Commission and of re-admission by Council is made and furnished to the said parties accordingly.

IN WITNESS WHEREOF, I hereunto sign my name, as Chairman of the Special Commission on this the twenty-third day of May, 1887.

Signed) J. T. Adair,
Chairman Com. on Citizenship.

Attenti:

Henry Eiffert,
Clerk Gen. on Citizenship.
Approved and endorsed:

(SEAL) D. W. Washyhead,
Principal Chief C.N.
R. O. Trent,
Asst. Ex. Secty C. N.

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S. F. PARKS, being duly sworn, testified as follows in behalf of applicants:

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My name is S. F. Parks; age 30 years; reside in Vinita. I know Margaret S. Stewart. I have known her for the last eight or ten years. I taught school in the neighborhood in which she lived some six or eight years ago. At that time her name was Robbins, her husband being a full-blood Cherokee. Her husband Robbins died and she afterwards married one Washington W. Stewart, a citizen of the United States. She was recognized and known in that community as the daughter of James M. Hail.

Commission: The attorney for the applicant in this case, and the representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

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I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret A., James A. and John W. Stewart as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 8, 1900, Margaret A. Stewart appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of herself and James A. and John W. Stewart as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 20, 1902. The other party to the application is differently classified, and is not embraced in this decision.

The evidence shows that the said Margaret A. Stewart was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on May 23, 1887 under the name of Margaret Hall. The evidence further shows that the said Margaret A. Stewart was lawfully married to Washington W. Stewart on December 6, 1896. The said Margaret A. Stewart is identified on the 1896 Census Roll of the Cherokee Nation. It is further shown that the said Margaret A. Stewart has resided in the Cherokee Nation since she was a small child.

James A. and John W. Stewart are shown to be the children of Margaret A. Stewart. They are too young to be upon any tribal rolls of the Cherokee Nation, but are identified by birth affidavits on file with this Commission. The residence of these children is considered to be that of their mother.

The evidence further shows that all the applicants were residents of the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Margaret A. Stewart, James A. Stewart and John W. Stewart should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____

SEP 20 1902

S. F. PARKS,
ATTORNEY-AT-LAW.

Vinita, Ind. Ter., March 1st. 8.

Commission to the Five Civilized Tribes

and W. W. Hastings, Muscogee, I. T.

Gentlemen: - On yesterday you
kindly consented to a continuance in some cases I had before
you until the 20th. I find that I have a case, Margaret
A. Steward, set for the 12th.

Please continue this case until the 20th as I fear
I cannot attend the sitting of the Commission on that date.

Please advise me as to whether a continu-
ance will be granted or not.

Respectfully,

S. F. Parks

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 915.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

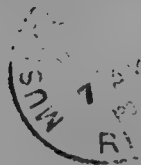
Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Margaret A. Stewart for the enrollment of herself and James A. and John W. Stewart as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 124.



S. F. PARKS,
ATTORNEY-AT-LAW.

ROOM 2. GRAY-HALSBELL
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IN THE MATTER OF THE APPLICATION

Margaret A. L. Linnick

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1. Original testimony. Dec. 8-1901

1. Memo. of application. Dec 8-1901

1. Marriage license & certificate Cherokee

1. Marriage license & certificate U. S.

1. Affidavit of birth

1. ...

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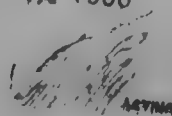
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DEPARTMENT OF THE INTERIOR
COMMISSION OF THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1900


ACTING CHAIRMAN.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 8th, 1900..

In the matter of the application of George Bullet Foreman for enrollment as a citizen of the Cherokee Nation; said Foreman being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A George Bullet Foreman.
Q How old are you? A I am 26.
Q What is your post office? A Capbell, I. T.
Q Who is it you wish to enroll, just yourself? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A The same as mine.
Q George B.? A Yes, sir.
Q Is he alive? A No, sir, he died in '92.
Q Give me the name of your mother? A Nannie E. Foreman.
Q Is she dead? A No, sir, she is living.
1880 Roll; page 530, #683, R. J. Foreman, Illinois.
1886 Roll; page 530, #681, G. B. Foreman, Illinois.
1880 Roll; page 531, #682, Nannie Foreman, Illinois.
1896 Roll; page 859, #663, George B. Foreman, Illinois.
Q You say your name was R. J. Foreman when you were a child? A Yes, sir.
Q How did you happen to change your name? A I did not like it, and wanted to be named after my father.
Q When did you make the change? A My mother and father made the change.
Q Have you some one here who knows that you were called R. J. in your childhood? A No, sir, not with me.
Q Is P. J. Foreman living? A Yes, sir, she is my oldest sister.
INTERROGATORIES BY JOEL L. BAUGH, Cherokee Representative:
Q When you were nominated and run down here in Illinois district for Legislature, were you named and run then as G. B. Foreman? A Yes, sir.

Com'r Breckinridge:--The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee, but the identified on the roll of 1880 is R. J. Foreman, which he stated was the given him at first, but subsequently changed by his father and mother to the name he now bears, which is the same as the name of his father, deceased. He states that he has lived in the Cherokee Nation all his life. His father and mother as given by him are identified with him on the roll of 1880. It is desired that further testimony be introduced to establish the change of name between the 1880 enrollment and the 1896 enrollment. He will now be listed for enrollment as a Cherokee by blood, but to await the testimony desired, he will be placed upon a doubtful card.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 10th day of December, 1900.

A. Breckinridge

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 8 1900


ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 8 1900

1900.

Name George B. Foreman Campbell, 27.

District Illinois Year 1880 Page 530 No. 683

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

On 1880 roll as

R. J. Foreman

SUPPLEMENTAL

TESTIMONY

"D" CARD #916.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE CIVILIZED TRIBES.
WISCONSIN, FEBRUARY 14th, 1901.

SUPPLEMENTAL TESTIMONY IN RE: CHARLES OF THE EVIDENCE OF GEORGE B. FOREMAN, "D" CARD #916.

Susan F. Lynch, being sworn and examined by Commissioner, C. R. Brackinridge, testified as follows:

- Q Give your full name? A Susan F. Lynch. (Fifty two years of age; Postoffice Weathers Falls, Canadian District).
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q You are on all of the rolls I believe? A Yes sir, I ought to be.
- Q I want to ask you about a young man known as ~~the~~ ~~son~~ Charlie Bullen Foreman, who stated in his case - "D" 916 - that he was the son of George B. Foreman and Mamie Foreman, and who was called in early life it seems R. J. Foreman?
- A I think his first name was Return Johnson; he was named after my father and my brother; they named the boy after her uncle and her grand father.
- Q How did the young man happen to take the name of his father?
- A When his father died his mother gave him the name, his father's name.
- Q They lived at your house, did they? A Yes sir; she was my niece.
- Q And his name was changed by his mother after the death of his father? A Yes sir.

Com'r. C. R. Brackinridge: This testimony will be filed with Case "D" #916 and a memorandum will be called on the card, calling attention to it. This establishes in a satisfactory manner the change of name.

SUPPLEMENTAL TESTIMONY "D" CARD #916.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 14th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE ENROLLMENT OF GEORGE B. FOREMAN, "D" CARD #916.

Susan F. Lynch, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q Give your full name? A Susan F. Lynch. (Fifty two years of age; Postoffice Webbers Falls; Canadian District).
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q You are on all of the rolls I believe? A Yes sir, I ought to be.
- Q I want to ask you about a young man known as the ~~son of~~ Charlie Bullet Foreman, who stated in his case - "D" #16 - that he was the son of George B. Foreman and Nannie Foreman, and who was called in early life it seems R. J. Foreman?
- A I think his first name was Return Johnson; he was named after my father and my brother; they named the boy after her uncle and her grand father.
- Q How did the young man happen to take the name of his father?
- A When his father died his mother gave him the name, his father's name.
- Q They lived at your house, did they? A Yes sir; she was my niece.
- Q And his name was changed by his mother after the death of his father? A Yes sir.

Com'r. C. R. Breckinridge: This testimony will be filed with Case "D" #916 and a memorandum will be called on the card, calling attention to it. This establishes in a satisfactory manner the change of name.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. A. Brown
Subscribed and sworn to before us this 14th day of February, 1901.

C. R. Breckinridge

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. 2

In the matter of the application for the enrollment of
George B. Foreman, as a citizen of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

---000---

From all the evidence of record in this case, it appears that the applicant George B. Foreman is identified upon the 1880 roll as R. J. Foreman. His change in name is satisfactorily proven from the fact that his father's name being George B. Foreman, and his ownname being Return Johnson Foreman, and preferring the name of his father, he has since his fathers death taken the name of George B. Foreman.

On the 14th day of February 1901, there was supplemental testimony introduced wherein it was proven that George B. Foreman was the same person who is identified on the Cherokee tribal roll of 1880, and wherein the question was asked the witness, through whom the above proof was expected, what she knew "about a young man known as Charlie Bullet Foreman, who stated in his case D. 916, that he was the son of George B. Foreman." The name Charlie, used in the above quotation, was evidently a mistake, as no such person is identified in case D. 916. That being the case wherein the applicant George B. Foreman is identified.

This statement is explanatory of the unintentional mistake in using the name Charlie, instead of George, and copies are ordered filed with the testimony in this case.



Commissioner.

Dated at Muskogee, Indian Territory,
this 12 day of March, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George B. Foreman, as a citizen of the Cherokee Nation.

On the 8th day of December, 1900, George B. Foreman
appeared before the Commission to the Five Civilized Tribes and
made application for the enrollment of himself as a citizen by
blood of the Cherokee Nation.

At the conclusion of the testimony offered at that time,
the name of George B. Foreman was placed upon a "Doubtful" card,
owing to the change of initials in his name subsequent to his en-
rollment on the Cherokee authenticated tribal roll of 1880, and the
date upon which this application was made. Further evidence has
been furnished the Commission, and the following decision is ren-
dered:

D E C I S I O N

--oOo--

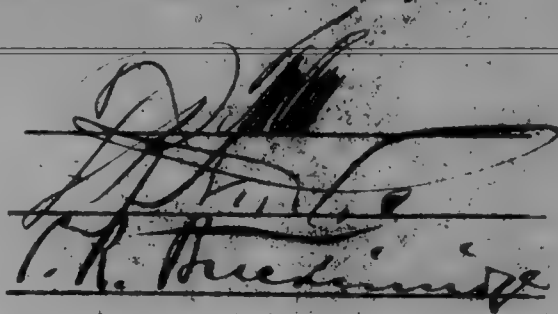
From all the evidence of record in this case, it appears
that George B. Foreman is 26 years of age, and has lived in the
Cherokee Nation all his life; he is identified on the Cherokee au-
thenticated tribal roll of 1880, page 500, #563, as R. J. Foreman.
This change of name is explained by the fact, that upon the death
of his father his mother gave him the name his father bore; prior
to that time he having borne the name of his uncle, Return Johnson.

The Commission is authorized to make rolls of citizenship
of the Cherokee Nation by the following provision of the Act of
Congress approved June 28, 1898 (30 Stats., 495):

That in making rolls of citizenship of the several
tribes, as required by law, the Commission to the Five Civil-
ized Tribes is authorized and directed to take the rolls of
Cherokee citizens of eighteen hundred and eighty (not including

presented as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll in which these names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission that George B. Foreman is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



C. R. Breckinridge

Dated at Muskogee, Indian Territory.

this 23 day of April 1902.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEADLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE D-916

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of George B. Foreman, No. D-916, for enrollment as a citizen of the Cherokee Nation.

You are advised that he will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said George B. Foreman as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,

Acting Chairman.

Encl. D-916.

Cherokee D-916

COPY.

Muskogee, Indian Territory, May 15, 1902.

George R. Foreman,

Campbell, Indian Territory,

Sir:

Enclosed herewith please find copy of the decision of the Commission of date April 23, 1902, in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

Very respectfully,

James Bixby.

Acting Chairman.

Encl. D-916,
Register.

IN THE MATTER OF THE APPLICATION OF

George B. Foreman

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Dec 8-1900

B. Memo. of application. Dec 8-1900

C. Supplemental testimony. Feb 14-1901

Supplemental statement

Index

Oct 3, 1901
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Cher D 917

Cher D 917

DOUBTFUL AS TO Henry Webster.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., December 10th, 1900.

In the matter of the application of Bird Webster for the enrollment of himself and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Bird Webster.
Q How old are you? A About fifty seven.
Q What is your Postoffice? A Silvan Springs.
Q In what district do you live? A Goingsnake District.
Q Who is it you want to have enrolled; yourself and family?
A Yes sir.
Q Have you a wife? A My wife is dead.
Q How many children? A I have five.
Q Are you a Cherokee by blood or white man? A No sir, I am a white man.
Q What was your wife's name? A Savannah G. Bell.
Q That was her maiden name, was it? A Yes sir.
Q Was her father's name Bell? A Yes sir.
Q Give me his full name? A I do not know it; he was dead before I came to this country.
Q Was her mother dead before you came to this country? A Yes sir.
Q How long has your wife been dead? A Three years the 14th of this coming March.
Q She was a Cherokee by blood, was she? A Yes sir.
Q Did she live in the Cherokee Nation all her life?
Q Yes sir, died on the place she was born and raised on.

Com'r. C. R. Breckinridge: The applicant presents a license, issued by the clerk of Goingsnake District, September 8th, 1892, authorizing marriage between himself and Miss Fannie Bell. The certificate shows that they were united in marriage on the same day by the clerk of the District. This is filed herewith.

- Q How does it happen that your wife's name is given in the certificate and license as Fannie? A It was just a mistake: The just spelled it Fannie, and one of the census takers spelled it Fannie too.
Q Were you ever married except to this wife? A Yes sir.
Q How many times were you married before? A Once.
Q Was that wife dead when you married this wife? A Yes sir.
Q Was your wife, Savannah ever married except to you? A No sir.
Q Have you married since the death of your wife? A No sir.
Q Have you lived in the Cherokee nation ever since you married your wife, Savannah in 1892? A Yes sir.
Q And you are still living in the Nation? A Yes sir.
Q Give me the names of your children please?
(Applicant hands paper to Commissioner.)
Q Is the oldest child's name Arthur? A Yes sir.
Q He was born in January, 1892, was he? A Yes sir.
Q Nine years old? A Yes sir.
Q The next child is Charles, eight years old? A Yes sir.
Q Silas is the next child, seven years old? A Yes sir.
Q Henry is the next child, six years old? A Yes sir.
Q Then comes Hubbard, five years old? A Yes sir.
Q Are those children all living now? A Yes sir.
Q This child, Arthur: That is a child of your wife is it?
A Yes sir.
Q His age does not correspond with the Cherokee license: It is her own child; not an adopted child? A Yes sir. I was just going to explain why the child was older than the license: I got married by the clerk before Mr. Garrett was elected and he did not get my certificate, and afterwards, Mr. Garrett married us again.
Q Your first marriage had not been properly recorded? A No sir,

I had to go to this clerk after he was elected and get another license.

Q So as to be made a citizen? A Yes sir.

(1890 Roll, Page 413, 1897, Savannah Roll, Seingsmake District) "Testified upon the grounds that the mother of James was first six children was a sister of Mrs. Anna Leach, rejected by the Court of Commissioners, in the Hubbard case, and the father, a white man")

(1894 Roll, Page 810, 1898, Savannah Webster, Seingsmake D'st)
 (1894 Roll, Page 811, 1898, Bird Webster, Seingsmake D'st)
 (1894 Roll, Page 812, 1898, Arthur Webster, Seingsmake D'st)
 (1894 Roll, Page 813, 1898, Charles Webster, Seingsmake D'st)
 (1894 Roll, Page 814, 1898, Silas Webster, Seingsmake D'st)
 (1894 Roll, Page 815, 1898, Richard Webster, Seingsmake D'st)

Q Did Henry draw strip money? A I think he did; I am not positive that he did.

(The name of Henry Webster does not appear upon the census roll of 1890 or the pay roll of 1890)

William M. Harper, being sworn and examined by Commissioner, C. R. Breakinridge, testified as follows:

Q Give me your full name? A William M. Harper.

Q How old are you? A Forty three.

Q What is your Postoffice? A Wilson Springs.

Q In what district do you live? A Seingsmake.

Q Do you know the applicant, Bird Webster? A Yes sir.

Q Do you know his wife, Savannah? A Yes sir. No sir.

Q It is understood that his wife is dead? A Yes sir.

Q She has left a lot of children? A Yes sir.

Q How many children has he in his family? A Five.

Q Do you live near them? A Yes sir.

Q Do you remember their names? A Arthur, Charley, Silas, Henry and Richard.

Q You know a child named Henry Webster? A Yes sir.

Q Which is the youngest, do you know? A I do not know for sure; Henry I reckon; they are nearly a size.

Q Which one is near the size of Henry? A Richard.

Q This child, Henry, is recognized as one of that family?

A Yes sir.

Q How long have you known them? A Three or four months.

Q Have you been living there a close neighbor? A Yes sir, on his place for the last three or four months.

Q You never heard of Henry being different from all of the others?

A No sir.

By Mr. J. L. Baugh, Cherokee Representative:

Q You say you have been there only about three or four months?

A Yes sir.

Q Have you ever had any talk with the neighbors? A Yes sir.

Q Do you understand that these children are all Mr. Webster's children by his dead wife? A Yes sir.

Q Did you ever hear any reason why this child, Henry Webster, was left off of the roll of 1890? A No sir, I did not.

Q You do not know that this is his dead wife's child?

A No sir, except what the neighbors told me.

Com'r. C. R. Breakinridge: The applicant applies for the enrollment of himself and five children. His deceased wife is identified on the rolls of 1890 and 1896 as a native Cherokee. As shown by the testimony, there is a note on the roll of 1890, expressing doubt as to her right to enrollment. Never the less, she is enrolled, and there is no evidence that the Cherokee Nation has ever taken action in the matter of that doubt, and she was admitted to enrollment as late as 1896. Her change of name is established by the marriage license and certificate filed herewith. As she was admitted

HENRY WEBSTER ET AL.

-1-

upon the roll of 1890, whatever doubt was then entertained has been permitted to lie unquestioned for now twenty years, until the woman is dead, and her father and mother are dead, and as she is said to have been a Native of the Cherokee Nation, and has living children born and living in the Cherokee Nation, the doubt therein expressed is considered of no force and effect, and in the present judgment of the Commissioner, it can not affect the right of those deriving rights from her, to enrollment at this time.

The applicant is shown by the license and certificate filed herewith, to have married his Cherokee wife in 1892; He states that he was previously married, but that his marriage failed to be properly recorded, and this was a remarriage, for the purpose of perfecting the record. He states that his wife was never formerly married; that he was formerly married once, but that his former wife was dead when he contracted this marriage, and that he has not remarried since his wife died, some three years ago. He will now be listed for enrollment as a Cherokee by intermarriage.

Of the five children named in the testimony, the children, Arthur, Charles, Silas and the youngest child, Hubbard are identified on the roll of 1890; they are living now, and will be listed for enrollment as Cherokees by blood.

The child, Henry Webster is not identified on that roll, and it appears that he is too young to be on the roll of 1890; The applicant states that his omission from the roll of 1890 could only have arisen from neglect; He is desired to present a certificate of the birth, and if practicable, further personal evidence, of this child being of his family at this time; Admitting that evidence, this child, Henry Webster will now be listed for enrollment as a Cherokee by blood upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of December, 1900.

COMMISSIONER.

B.

C. 2-217.

Department of the Interior.
Commission to the Five Civilized Tribes.
Waskoe, T. T., March 2, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Bird Webster for the enrollment of his child Henry Webster as a
citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that his application for his enrollment of his child, Henry
Webster, as a citizen of the Cherokee Nation, would be taken up for
final consideration by the Commission at its offices in Muskogee,
T. T., on the 18th day of March, 1902, and that on said date he might
appear before the Commission, either in person or by attorney, when
an opportunity would be given him of introducing any further testi-
mony affecting his application. The applicant having, this date,
failed to appear on the 18th day of March, 1902, been called, and failing to
respond, it is deemed that his case is completed, and same will be
reported to the Commission for its final decision based upon the evi-
dence now of record.

FILED IN 1902
OFFICE OF THE COMMISSIONER OF THE INTERIOR

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the same, except notes thereof.

B.

C. B-217.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL RECOMMENDATION in the matter of the application of Bird Webster for the enrollment of his child Henry Webster as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of his child, Henry Webster, as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him of introducing any further testimony affecting his application. The applicant having, this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now on record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

12/13

In the matter of the application for the enrollment of
Henry Webster as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 10, 1900, Bird Webster appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of Henry Webster as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Henry Webster is the minor child of Bird Webster, a citizen by intermarriage of the Cherokee Nation, and Savanna G. Webster, deceased, a citizen by blood of the Cherokee Nation at the date of her death, and identified on the 1880 authenticated tribal roll of the Cherokee Nation.

The said Henry Webster is not identified on the 1894 Pay Roll or the 1896 Census Roll of the Cherokee Nation, but he is identified by a birth affidavit on file with this Commission.

The evidence further shows that the father and mother of the said Henry Webster resided in the Cherokee Nation from their marriage until the death of the mother, and that the father has continued to reside therein since her death. The residence of the said Henry Webster is considered to be that of his parents. The evidence further shows that the said Henry Webster was living in the Cherokee Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Henry Webster should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1906 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this JUL 2 1902

SR

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-917

ALLISON I. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 25, 1902.

Mr. W. W. Hastings,

Attorney for the Cherokee Nation,

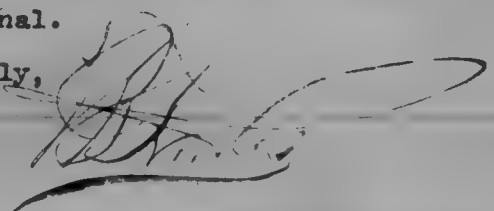
Muskogee, Indian Territory.

Sir:

Enclosed herewith please find copy of a decision of the Commission to the Five Civilized Tribes, rendered the 25th day of July, 1902, granting the application of Bird Webster for the enrollment of Henry Webster as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. D-917

IN THE MATTER OF THE APPLICATION OF

Henry Webster

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A Original testimony Dec 10-1900

B. Memo. of application Dec 10-1900

C. Affidavit of birth. Henry Webster

D. Notice of final consideration, 3/12/02

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All reasons

See Cherokee jacket # 6347

Cher D 918

Cher D 918

THE FIVE

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

175

[illegible]

DOUBTFUL, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER ON TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 10th, 1900:

In the matter of the application of Charley Kiper for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Kiper being sworn and examined by Commissioner Brock-inridge, testified as follows:

- Q Give me your full name? A Charley Kiper.
Q How old are you? A 40.
Q What is your post office? A Peggs.
Q In what district do you live? A Tahlequah.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q You are a white man are you? A Yes, sir.
Q Let me see your marriage license and certificate? (Applicant hands paper to Commissioner.)
Q Where is your license? A I did not get them, I sent them back to be recorded by mail and have never got them back.
Q Why did not you get an official copy of the record? (No response.)
Q Have you ever tried to? A Not here I got that here from him who he was Clerk.
Q When did you get this? A I got that there in '93 I believe, I ain't positive.
Com'r:--The applicant present an official copy furnished by the Clerk of Saline district under the seal of his office of a certificate of marriage, issued by the Rev. Sam Smith, to the effect that on the 15th of March, 1891, he united the applicant and Miss Charlotte Dowling in marriage, the latter a citizen of the Cherokee Nation, agreeable to the authority given in the within license", etc. This is filed herewith.
Q You have not the license that is mentioned in that certificate with you? A No, sir.
Q Have you looked to see if a record of it is in the Executive office? A No sir, I have not.
Q Did the Clerk issue you a license before you were married? A Yes, sir.
Q Did you send it back to him to be recorded? A Yes, sir, and he did not sent it back to me.
Q What was the name of the Clerk when you got the license? A Robert Adair.
Q And you got this copy of the record when R. S. Adair was Clerk? A Yes, sir.
Q Have you lived with your wife ever since you married her in 1891? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to her? A No, sir.
Q Now, give me your wife's full name? A Charlotte Kiper.
Q How old is your wife? A 27.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Johnson Downing.
Q Is he dead? A No, sir.
Q Give me the name of her mother? A Jennie Downing.
Q Is she dead? A No, sir.
Q Give me the names of your two children? A Jennie May.
Q How old is that child? A Six years old.
Q The next child? A Hester Malinda.
Q How old is that child? A Four years old.
Q These children are both living now are they? A Yes, sir.

Charley Kiper--2.

1880 Roll; page 628, #352, Charlotte Downing, Saline.
1896 Roll; page 1001, #633, Charlotte Kiper, Saline.
1896 Roll; page 1034, #19, Charles Kiper, Saline.
1896 Roll; page 1001, #684, Jennie May Kiper, Saline.
1896 Roll; page 1081, #655, Hestie Merlinda Kiper, Saline.

Gen'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and two children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee nation all her life. Her change of name is established by the official copy of the marriage certificate filed herewith. She will now be listed for enrollment as a Cherokee by blood. The two children, Jennie May, and Hester, K. Kiper, are identified with their parents on the roll of 1896. They are living and will be listed for enrollment as a Cherokees by blood.

The applicant is shown to have married his wife in accordance with the official certificate filed herewith, on March 15, 1891. That certificate makes mention of a Cherokee license but holds not at this time the license, or official evidence beyond that mentioned in the certificate of its having been procured. Neither he nor his wife was ever previously married. He has lived with his wife ever since they married. He is identified on the roll of 1896, and he will be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card, to await further official evidence respecting the marriage license.

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J. O. Keason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes hereof.

J. O. Keason

Subscribed and sworn to before me this 10th day of December, 1900.

A. H. Keason

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of
Charlie Kiper, as a citizen of the Cherokee Nation.

On the 10th day of December, 1900, Charlie Kiper appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen of the Cherokee Nation. The application included other parties, but as they are differently classified they are not embraced in this decision, nor considered at this time.

At the conclusion of the testimony offered at that time, the name of Charlie Kiper was placed upon a "Doubtful" card, awaiting further evidence of his marriage. The proof necessary has been furnished the Commission and the following decision is rendered:

D E C I S I O N

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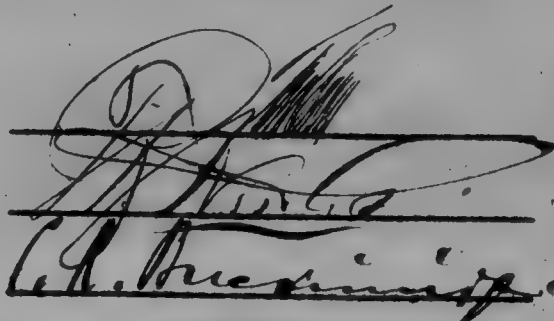
From all the evidence of record in this case it appears that Charlie Kiper, at the time of this application, was 40 years of age, and is identified upon the Cherokee census roll of 1896 as an adopted citizen. It is further shown that he was married on the 15th day of March, 1891, ^{under a Cherokee license} to one Charlotte Downing, who is identified upon the Cherokee authenticated tribal roll of 1880, as Charlotte Downing. She is also identified upon the Cherokee census roll of 1896 as Charlotte Kiper.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1896 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civiliz -

ed Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission that Charlie Kiper is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



Dated at Muskogee, Indian Territory,

Commissioners.

this 23 day of April 1902.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRICKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE D-918

ALLISON L. AYLESWORTH
SECRETARY

ALLIANCE OF THE FIVE CIVILIZED TRIBES
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Charlie Kiper, No. D-918, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Charlie Kiper as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,


Acting Chairman.

Encl. D-918.

D. 918

IN THE MATTER OF THE APPLICATION OF

Charley Kiper

FOR ENROLLMENT AS

CHECKED

Enrolled

RECORDED D 915
IN THE MATTER OF THE APPLICATION OF

Charley Kiper

CHIEF KILL TOWN S.

1. Original testimony. Dec 10. 1900.

2. Mem. of application. Dec 10. 1900.

3. Certificate of marriage.

4. Marriage license & certificate (copy)
with certificate of record.

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See Cherokee jacket # 6351.

Cher D 919

Cher D 919

DAUGHTER, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 10th, 1900.

In the matter of the application of Andrew Johnson Snider for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Snider being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Andrew Johnson Snider.
Q How old are you? A 33.
Q What is your post office? A Southwest City.
Q Indian Territory? A Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself and family?
A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Five.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate? A I have got a copy.
Q This is simply an affidavit? A I lost my license.
Q When were you married to your wife? A '87 I believe.
Q What was her name when you married her? A Cynthia Muskrat.
Q You haven't a copy of your license now? A No, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you lived with her ever since you and she were married? A Yes, sir.
Q You have had a license have you? A Yes, sir.
Q What did you do with it? A I was misplaced and I do not know what became of it.
Q Have you ever applied to the Clerk's office here for a copy of it? A No, sir, they told me that that was sufficient.
Q Your wife's full name then at present is Cynthia Snider? A Yes, sir.
Q How old is your wife? A About 33.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Jake.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Martha.
Q Is she dead? A Yes, sir.
Q Give me the names of your children? A Jacob Albert.
Q How old is that child? A He is 13.
Q The next child? A James Floyd.
Q How old is he? A 11.
Q The next child? A Roy Clinton.
Q How old is that child? A Eight.
Q The next child? A Freeman Cecil.
Q How old is that child? A Three.
Q What is the name of the next child after Freeman C.? A Pauline V.
Q Born 16th of last month? A Yes, sir.
Q Are these children all living? A Yes, sir.
1880 Roll; page 291, #1838, Cynthia Muskrat, Delaware.
1896 Roll; page 529, #2753, Gunthi Snider, Delaware.
1896 Roll; page 588, #488, Andrew J. Snider, Delaware.
1896 Roll; page 529, #2754, Jacob A. Snider, Delaware.
1896 Roll; page 529, #2858, James F. Snider, Delaware.
1896 Roll; page 529, #2758, Roy C. Snider, Delaware.

Andrew Johnson Snider--2.

JAMES J. SNIDER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there, please? A James J. Snider.
Q How old are you? A 37.
Q What is your post office? A Southwest City, Missouri.
Q In what district do you live? A Delaware.
Q How long have you lived in the Cherokee Nation? A About 16 or 17 years.
Q Do you know Mr. Andrew Snider here? A Yes, sir.
Q Is he kin to you? A Brother.
Q What is his wife's name? A Cynthia.
Q What was her name when he married her? A Muskrat.
Q About how long have they been married, since you can recollect? A About 14 or 15 years.
Q Have they lived together ever since that were married? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and five children: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life. Her change of name arises from her marriage, which fact is established by satisfactory personal testimony in addition to that of the applicant. She will now be listed for enrollment as a Cherokee by blood. Of the five children named in the testimony, the first three are identified with their parents on the roll of 1896. They are living and will be listed for enrollment as Cherokees by blood. When the Commission is supplied with proper certificates of the birth of the two younger children, Freeman C. and Pauline V., these children will also be listed for enrollment as Cherokees by blood.

The applicant states that he married his wife about the year 1887, but he has not his marriage license and certificate at this time, or official evidence of it. The fact of marriage is established in a satisfactory manner, but he is a white man. He is identified on the roll of 1896. He states that neither he nor his wife were ever previously married, and that he and his wife have lived together ever since their marriage. He will now be listed for enrollment as a Cherokee by intermarriage, but upon a doubtful card to await the official evidence of his marriage according to the Cherokee law.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of December, 1900.


Commissioner.

In re

Application of Hiram R. Snider,
for enrollment as a Cherokee
citizen.

No. 5517.

BRIEF ON BEHALF OF APPLICANT.

STATEMENT OF FACTS.

The facts necessary to a determination of this case are, that Hiram R. Snider and Annie B. Snider were married on June 6, 1890 in accordance with Cherokee law. They were competent parties and the marriage is valid.

Answering questions propounded by the attorney for the Cherokee Nation, Mr. Snider said that about a year before September, 1900 or at some time during the year 1899 his wife procured a divorce from him at Vinita, I. T. It is not shown how he knew upon what grounds the divorce was granted but he says it was upon the ground of desertion. He says that he was compelled to leave his wife and that they were separated for about one year when they were re-married in September, 1900. No record of the divorce proceedings is in evidence nor is it attempted to be shown whether ~~the~~ process was served personally or by publication. It is not even shown what, if any, testimony was taken in the divorce proceedings. While the record evidence of his marriage is properly required and introduced, the only evidence of the ~~divorce~~ divorce is his own oral statement of what he understood to be the facts without even showing from what source he derived them.

The Indian Office by its Commissioner, A. C. Tonnew, in its recommendation to the Secretary in this case, says: "The evidence is not entirely clear to the office but it seems to bear out the facts as found by the Commission".

Enrollment is denied this applicant on the finding of supposed facts from the above that he abandoned his wife. The supposed authority of law for the refusal is Sec. 687 of the Cherokee Compiled Laws of 1892, which says: "Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife or husband shall thereby forfeit every right and privilege of citizenship of this Nation".

POINTS AND AUTHORITIES.

Hiram K. Snider, the applicant is entitled to enrollment as an adopted citizen of the Cherokee Nation, by virtue of his marriage to Annie B. Snider, on June 6, 1890, unless;

1. It be shown by proper evidence that he has done some deed which
2. Under the law in force at the time of the doing of the deed deprives him of the right and
3. Into which the Commission has the right to inquire and
4. For which the Commission has authority under the acts of Congress to deprive him of the right.

Taking the points up in this order we would show:

1.

NO EVIDENCE.

There is no evidence of abandonment.

(a) Such testimony as is offered is purely hearsay and not within any of the exceptions to the rules rejecting such evidence. To further argue or to cite cases on this point would be little short of an insult to the judicial learning of the official who will pass upon this case.

(b) While evidence before the Dawes Commission is not

closely restricted, yet the applicant is required properly to prove his marriage by duly certified copies of the records. We submit that common fairness requires that to deprive him of valuable property rights, the same rules should apply in his favor as have been applied against him and that the divorce, if there be one, be proved by certified copies of the record. Application of this rule leaves no evidence of a divorce or of a remarriage.

(c) There is no evidence that applicant abandoned his wife. The only thing in the case even intimating such is his own statement that he was compelled to leave her for about a year.

Abandonment is "the act of the husband or wife who leaves his or her consort wilfully with an intention of causing perpetual separation". Bouvier's Law Dictionary. Abandonment and desertion are in this sense synonymous and desertion is uniformly used to denote a wilful abandonment of an employment or duty in violation of a legal or moral obligation. A. & Eng. Law, N. XI. Vol. 9, p. 403 and cases cited.

Applying the evidence to the definitions there is no abandonment. Being compelled to leave his wife for a year is the opposite of wilful abandonment of her with the intention of causing perpetual separation.

II.

NO LAW.

Even if it be conceded that applicant abandoned his wife in 1899, as contended, yet there is no authority of law for his rejection because Section 667 was not then in force.

Sections 26 and 28 of the Act of June 28, 1898, abrogate Section 667 from the date of the passage of the

Act in June 28, 1898. At the time, therefore, of the alleged abandonment, there was no law in force which prescribed a forfeiture for the doing of the deed.

Bearing in mind that the applicant is entitled to enrollment unless he forfeits his right for some deed for which the law in force at the time of its doing prescribes a forfeiture, the logic is irresistible that he is now entitled because no ex post facto law has been passed prescribing a forfeiture.

III.

NO JURISDICTION.

The Dawes Commission has no authority to inquire into the facts of an alleged abandonment under section 667.

(a) The Dawes Commission is limited in authority to that given by the Acts of Congress. No claim is made that it is a court of general jurisdiction. It acts as to this case within the letter of Section 21 of the Act of June 28, 1898 which makes it the duty of the Commission to enroll certain persons of Cherokee blood "with such intermarried white persons as may be entitled to citizenship under Cherokee laws". Certainly it is a conservative statement that the Dawes Commission cannot reject an applicant except in accordance with Cherokee Laws. What, then is the Cherokee law?

(b) Section 667 provides that those who are lawfully married under the act and then abandon the consort shall forfeit every right and privilege of citizenship in the XX Nation.

Section 668 gives all his property to the ~~wife~~ wife except in case of her connivance, and

Section 669 provides the only means of enforcing the provisions of sections 667 and 668, in the following terms-

Sec. 669. The Circuit Court shall have authority to hear and determine all cases that may be brought before it by any person or by the solicitor of the district wherein it may be alleged that a citizen of the United States or of any other government, adopted by intermarriage under the laws of the Cherokee Nation, has forfeited his rights to citizenship in said Nation by acts which declare such forfeiture. Proceedings in such cases shall be by citation if the party be resident in the Cherokee Nation, or by thirty days notice of such proceedings in the Cherokee Advocate and be conducted as are civil suits before such Courts. On the finding of verdict by the jury against such person, it shall be the duty of the clerk of the Court to notify the Principal Chief of such finding, and it shall be the duty of the Principal Chief to make such known such finding to, and call upon, the United States Indian Agent for the removal of such person beyond the limits of the Cherokee Nation. It shall not be lawful thereafter for any clerk to issue a marriage license, or permit to reside in the Cherokee Nation, in any capacity whatever, to any person so declared to have forfeited his rights to citizenship in the Cherokee Nation.

All these sections were "passed at one and the same time and constitute one act and then the rule applies that in construing one part of a statute we are to resort to every other part to ascertain the true meaning of the legislature in each particular provision."

Andlich on Interpretation of Statutes, Sec. 40
Beals vs Hale, 4 How. 37, 53;
Lamp Chimney Co. vs Brass & Copper Co. 91 U. S.
638, 682-3;
U. S. vs Kirby, 7 Wall. 482.
Petrie vs Bank, 142 U. S. 644, 650.
Market Co. vs Hoffman, 101 U. S. 112, 115.
Brewer's Lessee vs Blougher, 14 Pet. 178, 198.
Bernier vs Bernier, 147 U. S. 242, 246.
Green vs Commonwealth, 12 Allen (Mass) 155, 166.
Commonwealth vs Goding, 3 Met. (Mass) 130

Here is a court authorized to enforce the provisions of Section 667, and the authority is exclusive.

Here is a jury provided to find the facts.

Here is the place where the wife or the solicitor for the district or any person might proceed against him and

Here only may any of these things be done.

Where is the petition in this case to which the applicant may plead?

Where is the citation or publication in the Cherokee Advocate?

Where is the opportunity of this applicant to have his case "conducted as are civil suits before such courts" with the right to object to testimony, to enforce the attendance of witnesses and the right to appeal?

Where is the jury of the Lawes Commission?

In order to show the absurdity of this assumption of authority on the part of the Commission we follow this case to its logical results. The commission has found that he abandoned his wife under Section 667, was divorced and has again remarried. Now under Section 669 he cannot again lawfully marry and the commission has in effect held that children born to this couple in the future will be bastards. The law making it unlawful to remarry was just as fully in force in 1900 when they are said to have remarried as was the law declaring a forfeiture for abandonment in 1899 when the abandonment is said to have taken place.

(b) The limits of the Lawes Commission in such cases are:

1. To reject all whose rights have been declared forfeit by the proper courts.

2. To do this upon proof of the finding of the abandonment by certified copies of the records of the Court.

3. To suspend action until final decision if any such case, brought before the tribal court, be pending before

the United States Court, under Section 28 of the Act of June 28, 1898.

IV.

CONCLUSION.

The Commission has no authority to deprive this applicant of the right to enrollment by virtue of his marriage on June 6, 1890, because

(a) It is not shown by competent evidence that he abandoned his wife which is the sole alleged ground of his rejection. The marriage relation once established is presumed in law to continue and will be so held in the absence of competent proof to the contrary. . . . Eng Ency Law, 2d Ed. Vol 19, p. 1203 and cases cited under note 2.

First, the character of the evidence makes it inadmissible as hearsay; second, competent evidence being required in proof of marriage the same kind should be required in proof of divorce; third, proof of divorce on the ground of desertion is not proof of abandonment or desertion; and fourth, the evidence such as it is proves a separation under compulsion for one year which is not proof of abandonment, but the contrary.

(b) The section of the Cherokee Act providing for forfeiture for abandonment was not in force when the alleged abandonment took place.

(c) The Lawes Commission is limited in such inquiries to the Cherokee Law which provides a means for declaring forfeitures by a certain court, in a certain form of proceeding, with a jury trial, right of appeal, &c., &c. In other words the Commission is limited to the findings of the Court properly certified and has no authority to institute independent inquiry. The Cherokee Law provides the mode of, as well as the forfeiture, and, acting under that law the

as well as
Commission is limited to the mode, ~~and~~ authorized
to reject in case of forfeiture.

we respectfully submit, therefore, that each of the
above points is well taken; that if either is, the applicant
is entitled to enrollment; in any event, having clearly
established his right by marriage, the presumptions are all
with him and the burden is upon the attorney for the Cherokee
Nation to show, by proper evidence, that he has done some
deed which, under the law in force at the time of the doing
of the deed, deprives him of the right and into which the
Commission has the right to inquire and for which deed the
Commission has authority under the Acts of Congress to de-
prive him of the right.

Respectfully submitted,

Sherry G. Kimball
Thurman White
and L. Dickie and C. M. Fulton

Attorneys for Applicant.

416 5th St. N. W.

Washington, D. C.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Andrew J. Snider, as a citizen of the Cherokee Nation.

On the 10th day of December, 1900, Andrew J. Snider appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by inter-marriage of the Cherokee Nation. The application included other parties, but as they are differently classified they are not embraced in this decision, nor considered at this time.

At the conclusion of the testimony offered at that time, the name of Andrew J. Snider was placed upon a "Doubtful" card for further evidence tending to prove his marriage; which evidence has been submitted to the Commission, and the following decision is rendered:

D E C I S I O N

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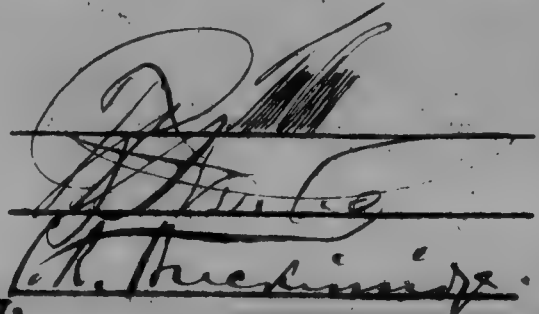
From all the evidence of record in this case, it appears that Andrew J. Snider at the time of this application was 33 years of age, and is identified upon the Cherokee census roll of 1896, as an adopted citizen.

according to Cherokee law
The evidence further shows that he was married on the 27th day of November, 1896, to one Cynthia Muskrat; she being identified upon the Cherokee authenticated tribal roll of 1896.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 20, 1896 (30 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission, that Andrew J. Snider is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



Dated at Muskogee, Indian Territory,
this 23 day of April, 1902.

Commissioners.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-919

NOTED BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

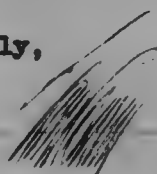
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Andrew J. Snider, No. D-919, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest/as you desire to make against the enrollment of the said Andrew J. Snider as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,



Acting Chairman.

Encl. D-919.

IN THE MATTER OF THE APPLICATION OF

Andrew J. Snider

FOR ENROLLMENT AS

CHEROKEE

IN THE MATTER OF THE APPLICATION

Andrew J. Snider

FOR ENROLLMENT AS

CHEROKEE CITIZEN

A. Original testimony. Dec 10-1900

B. Return of application. Dec 10-1900

C. Marriage license and certificate.

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See Cherokee jacket # 6355

Cher D 920

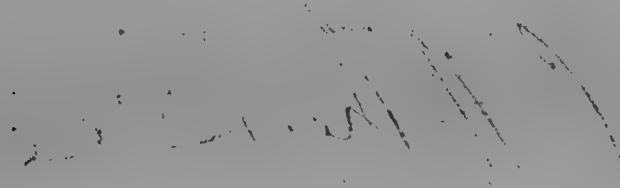
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 10 1900

 **ACTING CHAIRMAN**

TO THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
FROM THE SECRETARY OF THE INTERIOR
WASHINGTON, D. C.
RE: [illegible]



Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Andrew F. Cowan for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge and examined by the Commission he testified as follows:

- Q What is your name? A Andrew F. Cowan.
Q How old are you? A 71.
Q What is your post-office address? A Wagoner.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q For when do you make application for enrollment? A For myself I have not nobody but myself; my wife is dead.
Q How long have you lived in the Cherokee Nation? A 30 years.
Q Have you lived outside of the Cherokee Nation at any time during the last three years? A No sir.
Q When were you married? A In 1856.
Q Were you ever previously married? A No sir.
Q Was the wife when you married in 1856 recognized as a Cherokee citizen by blood? A Yes sir.
Q Her name appear upon the authenticated roll of 1880?
A Yes sir.
Q Was she ever married before? A No sir.
Q How long did you live with her? A Right close to 32 years I believe.
Q You lived with her up until the time of her death? A Yes sir.
Q In what district were you enrolled in 1880? A Cowwawcawwas 1880 roll page 37 #715 Andy Cowan Cowwawcawwas adopted white 50 years old;
Q Did you ever re-marry after the death of your Indian wife?
A No sir.
Q Have you married since that time? A Never had but the one wife.
Q Did you apply to the proper authorities for enrollment in 1899 or thereabouts? A No, I don't suppose I did; I don't remember that roll.
Q Where were you living four years ago? A Right on Grand River about the same place I am living now; I have lived there for 30 years.
Q 1890 roll examined for applicant and name not found.
Q Did the census takers come to you and ask for your name?
A I always had my name put down when they come there;
my name is on the last census roll, in 1890; I don't remember the 1890 roll; my wife was dead. I had but one son, one child; my wife died in 1890.
Q Have you any evidence of your marriage to your wife? A I haven't it here; my license and certificate and everything was burned up in the court house; I can establish the fact that I was married legally and lawfully if it is necessary.

Commission: The applicant applies for the enrollment of himself as a Cherokee citizen by intermarriage; he is identified on the authenticated roll of 1880 as an adopted white; his name is not found upon the census roll of 1890; he does not produce any evidence as to his marriage with his Cherokee wife; he avers that neither he nor she were ever previously married; he also avers that he has not been re-married since the death of his wife; but for the good reason that he has not been identified on the census roll of 1890 he will be listed for enrollment up as a doubtful card as a citizen by intermarriage of the Cherokee Nation.

Andrew F. Cowan 2

K.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes in regard.

M.D. Green

Subscribed and sworn to before me this December 10, 1900.

P. H. Merrill

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
1872-73
DEC. 10 1872

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, I. T., December 10, 1900.

In the matter of the application of Andrew F. Cowan for the enrollment of himself as a Cherokee citizen;
JOEL L. BAUGH, being sworn by Commissioner Brackinridge and examined by the Commission testified as follows:

- Q What is your name? A Joel L. Baugh.
Q What is your age? A 42.
Q What is your post-office address? A Chouteau.
Q Are you acquainted with Andrew F. Cowan? A Yes sir.
Q How long have you known him? A At least 25 years.
Q Is he a citizen by blood of the Cherokee Nation? A No sir, citizen by intermarriage.
Q Do you know his wife? A Yes sir.
Q Did he live with her continuously up until the time of her death? A Yes sir, he did.
Q Do you know why his name is not on the roll of 1896?
A I couldn't explain that; I don't know why; he lives about 20 miles from where I live.
Q Do you know whether or not he was physically able to appear before the census takers at that time? A I suppose he was.
Q Have you ever heard of his right to enrollment as a citizen ~~questioned~~ disputed? A No sir, I never have.

ANDREW F. COWAN, being sworn and examined testified:

- Q You want now to ~~explain~~ explain to the Commission why your name is not found on the roll of 1896? A I can explain it in this way: The census takers made their appointments at the voting places of the precinct, and my son he went, and I supposed would put us all on the roll; I supposed I was on the roll until you asked me about it; I was thinking about the 1904 roll, but that's the only way I have of explaining about it, - he failed to do it; I was at home attending to my business; I was able to have went, but after studying about it I remember the rolls and remember that I didn't go.

JOEL L. BAUGH, recalled, testified:

- Witness: The census takers were authorized to take the census by going to the voting places, what we call the voting places, in each precinct; they were to go to each precinct and the people were to come there there to make their statements and be enrolled.
Q And if they didn't appear there they were not enrolled? A That's the way off. As he says, he had a son at that time of age, Alex., Cowan, and I guess he supposed that Alex would enroll him.

M. D. Gr on, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 10, 1900.

Commissioner.

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THE NEW YORK TIMES



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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
FORT WINSTON, I.A., SEPTEMBER 25, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ANDREW F. COWAN as a citizen by blood of the Cherokee Nation, in-
troduced on part of applicant:

APPEARANCES:

Applicant present in person;
Mr. W. W. Hastings, for Cherokee Nation.

ANDREW F. COWAN, being duly sworn by Commissioner Needles,
testified as follows:

COM'R NEEDLES: What is your name? A Andrew F. Cowan.
Q Are you the Andrew Cowan that was listed for enrollment at
Tahlequah on the 10th of December and placed on a doubtful card?
A Yes, sir.
Q You desire I understand to state the reason why your name is not
on the roll of 1896? A Yes, sir.
Q Go ahead and tell it briefly? A Mr. Sequichie was the man that
took the census and they stopped a day at the voting precinct and
took the census of the district and me and my son, I have but the
one farm, we live together; he went to Chouteau to enroll himself
and his family, he has a family of his own, and I told him to just
enroll me and he attempted to do so and Mr. Sequichie told him that
I was of age and had to come to enroll myself and he told me that
and he came home and I was busy and didn't think about it being im-
portant, consequently I didn't go, he went still further off the next
day.
Q You were living in the Cherokee Nation at that time, were you?
A Yes, sir.

This testimony will be filed with the case.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that
the foregoing is a true and complete transcript of his stenographic
notethereof.

J. O. Rosson

Subscribed and sworn to before me this October 7th, 1901.

W. W. Hastings

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Andrew F. Cowan, as a citizen of the Cherokee Nation.

On the 10th day of December, 1900, Andrew F. Cowan appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the testimony offered at that time, the name of Andrew F. Cowan was placed on a "Doubtful" card for further consideration; owing to the fact that while he is identified upon the Cherokee authenticated tribal roll of 1880, he is not identified upon any of the Cherokee rolls subsequent to that time. Satisfactory evidence in the matter of this application has been submitted to the Commission, and the following decision is rendered:

DECISION

--oOo--

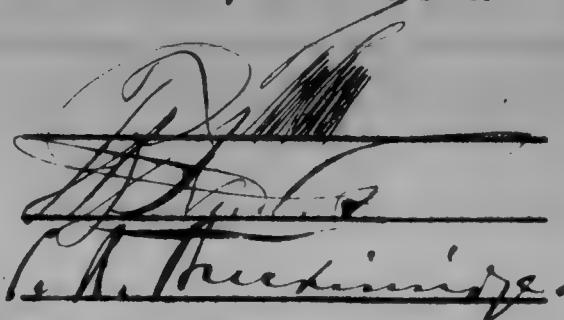
From all the evidence of record in this case, it appears that Andrew F. Cowan was identified upon the Cherokee authenticated tribal roll of 1880, as Andy Cowan; he was married in the year 1856 to a citizen by blood of the Cherokee Nation. It further appears that his wife died in 1890, and that he has never re-married. His failure of identification on the Cherokee census roll of 1896 is explained in supplemental testimony which was taken on the 25th day of December, 1900, to the effect, that at the time of the taking of the census roll of 1896, he deputized his son, Alex, who was making application for enrollment, to have his, the said Andrew F. Cowan's name placed upon said roll; but the son upon making application for

his father was informed that his father being of age would have to make personal application.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of this explanation which is satisfactory, with the facts and the law in this case, it is the opinion of the Commission that Andrew P. Cowan is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.



Dated at Muskogee, Indian Territory,
this 23 day of April, 1902.

Commissioners.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. HAYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NEED IN REPLY TO THE FOLLOWING

Cherokee D-920

Maskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Andrew F. Cowan, No. D-920, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Andrew F. Cowan as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by the Commission.

Yours truly,



Acting Chairman.

Encl. D-920.

IN THE MATTER OF THE APPLICATION OF

Andrew J. Cowan

FOR ENROLLMENT

CHEROKEE

ACQUITTANCE

820

IN THE MATTER OF THE APPLICATION OF

Andrew H. Bowman

FOR ENTRY AS

CHEROKEE CITIZENS.

- (1) Original testimony. Dec 10 1900
- (2) Memo. of application. Dec 10-1900
- (3) Supplemental testimony. Dec 10-1900
- (4) Supplementary testimony. Sept 25 1901

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COMMISSION 17
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ATTORNEY GENERAL

Witness, John Smith, being sworn testifies as follows:

Q Give me your full name. A John Smith.

Q How old are you? A I am 22 or 30 years old.

Q What is your occupation? A Telegrapher.

Q How long have you lived in the Cherokee Nation? A Since 1890.

Q How long did you live here before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

Q How long before you were married? A Yes sir.

The applicant applies for the enrollment of herself and five children. She is identified on the roll of 1890 as a native Cherokee. She states that she has lived in the Cherokee Nation all her life. Her ancestry is established by her own and other satisfactory personal testimony. Her father and mother are said to have died before the roll of 1890 was made. The applicant states that she has a full sister on that roll, but neither she or her sister can be identified at this time. She may be able to supply the Commission with a certificate of her having been enrolled at the Cherokee Orphan Asylum. To avoid further uncertainty identifying the applicant as a native Cherokee, she will now be listed for enrollment as a Cherokee by descent, but on a doubtful basis.

Of the five children named in the testimony, the first four are identified with their mother on the roll of 1896; they are living, and will be listed for enrollment as Cherokees by blood on a doubtful card, to await the evidence desired in the case of their mother. When she files a certificate of birth of the youngest child, Myrtle, this child also will be listed for enrollment as a Cherokee by blood. The applicant states that her deceased husband, David Ridge, was a full blood Cherokee; he is identified on the rolls of 1880 and 1896, and she states she lived in the Cherokee Nation all his life.

1880 roll: page 659, #925, Dave Ridge, Saline district.

Q Did he live in the Cherokee Nation all his life? A Yes sir.

Q Were you ever married except to him? A No sir.

Q Was he ever married except to you? A No sir.

Com- If you can't identify yourself as a Cherokee by blood, you can identify yourself as a Cherokee by intermarriage? Q I can identify myself as a Cherokee by blood.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E.G. Rothenberger.

Subscribed and sworn to before me this 10th day of December, 1900.

C. H. McNeill
Commissioner.

DEPT. OF THE INTERIOR
BUREAU OF CIVILIZED TRIBES
ILLINOIS
OCT 11 1900



POST OFFICE

12921

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Callie Ridge for enrollment.

Supplementary Testimony.

Witness, Robert B. Ross, being sworn by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name? A Robert B. Ross.
Q How old are you? A 55 years old.
Q What is your postoffice? A Park Hill.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this lady who applied a hite ago, Mrs. Callie Ridge? A Yes sir.
Q What was her maiden name? A Parris.
Q Did you know her in her youth? A Yes sir.
Q You were at one time Superintendent of the Cherokee Seminary?
A Yes sir, male seminary.
Q Did she attend the female Seminary? A Yes sir.
Q You know her there as a student there at the time? A Yes sir.
Q Was that before 1880? A Yes sir, '75.
Q Are any persons admitted to that seminary except those of Cherokee blood and citizenship? A No sir.
Q About when did she leave that seminary, as far as you know? A Early in 1880 as well as I can recollect.
Q And then where did she go? A To Orphan Asylum; she became an orphan about that time.
Q And was transferred to the Orphan Asylum? A Yes sir.
Q They can't stay at the Seminary unless they pay? A No sir. There are two classes; some were boarded and clothed free, and others had to be paid for.
Q The more advanced students were paid students? A Yes sir.
Q And she was then transferred to the Orphan Asylum? A Yes sir.
Q How do you account for her not being on the roll of 1880?
A I don't know.
Q She wasn't either definitely settled in one place or the other at that time? A She staid at my house, and part of the time at her grand-mother's at that time.
Q You know she is of Cherokee origin? A Yes sir, she's a Cherokee.

Commissioner Breckinridge-

This will be filed in the case of Mrs. Callie Ridge, taken this day, and it is considered to establish in a satisfactory manner her Cherokee origin and citizenship.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 11th day of December, 1900.

[Signature]
Commissioner.

Q Are you acquainted with the applicant, [redacted], in the subject?
A Yes, sir.
Q Are you related to her?
A No, sir.
Q How long have you known her?
A Since right after the war.
Q Has she always made her home here in the Cherokee Nation?
A Yes, sir.
Q Have you ever heard her right to enrollment in the Cherokee Nation disputed prior to this time?
A No, sir.
Q Has she always been recognized as a citizen of the Cherokee Nation?
A Yes, sir, so far as I know.
Q In regard to her husband, have you ever heard of him?
A Yes, sir, he has been a recognized citizen of the Cherokee Nation.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is closed and will be reported to the Commission for final decision based upon the evidence now of record.

600011
T. J. Watson, do hereby certify upon my official oath as stenographer to the Commission of the Five Civilized Tribes that I correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
JAN 10 1908

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
CALLIE RIDGE, ET AL., as citizens of the Cherokee Nation, intro-
duced on part of applicants;

The applicant in this case was notified by registered let-
ter February 20, 1902, that her application for the enrollment
of herself as a citizen of the Cherokee Nation would be taken up
for final consideration by the Commission at its offices in
Muskogee, Indian Territory, on March 12, 1902. Receipt was
acknowledged of Commission's letter, and on said date the case
was continued by agreement to March 21, 1902. The applicant
this day, to-wit: the 21st day of March, 1902, appears in per-
son. Mr. W. W. Hastings, Cherokee Representative, present.

NOAH PARRIS, being duly sworn, testified as follows on
part of applicants:
COMMISSION:

- Q What is your name? A Noah Parris.
Q How old are you, Mr. parris? A About 54 years old.
Q What is your post office address? A Tahlequah.
Q Are you acquainted with the applicant in this case, Callie Rogers
Ridge? A Yes, sir; she is my niece.
Q You have known her then all her life? A Yes, sir.
Q What is the name of her mother and father? A Father was named
Mose Parris, my brother; mother named Nancy, she was a Thornton.
Q Were her parents both citizens of the Cherokee Nation?
A Yes, sir.
Q Were they always recognized as such prior to their death?
A Yes, sir.
Q Where was this applicant born? A She was born in the Indian
Territory and never was out, I don't reckon.
Q Has she always lived in the Cherokee Nation? A Yes, sir.
Q Do you know why her name does not appear on the roll of 1880?
A I went there to see Mr. Robert Ross and she was at the Orphan
Asylum at that time and Mrs. Ross says she was at her house, she was
going to the Asylum and Mr. Ross' wife is her aunt and she would
be sometimes at Mr. Ross' and sometimes at mother's while she was
going to the Asylum and that was about the time that 1880 roll
was made, I guess she was at the orphan Asylum.
Q Is she a niece of Mr. Ross' wife? A Yes, sir.
Q Mr. Ross' wife as at present recognized as a citizen of the
Cherokee Nation? A Yes, sir.
Q You yourself are recognized as a citizen? A Yes, sir.
Q Have you ever heard the rights of Mrs. Ridge disputed?
A No, sir, I never did until I seen her on the doubtful roll.

TOM BEAVERS, being duly sworn, testified as follows on
part of applicant:
COMMISSION:

- Q What is your name? A Tom Beavers.
Q How old are you, Mr. Beaver? A 49.
Q What is your post office address? A Melvin.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.

Q Are you acquainted with the applicant in this case, Callie Ridge?

A Yes, sir.

Q Are you related to her? A No, sir.

Q How long have you known her? A I have known her since right after the war.

Q Has she always made her home here in the Cherokee Nation?

A Yes, sir.

Q Have you ever heard her right to enrollment in the Cherokee Nation disputed prior to this time? A No, sir.

Q Has she always been recognized as a citizen of the Cherokee Nation? A Yes, sir, so far as I know.

Q Did you know her husband, Dave Ridge? A Yes, sir.

Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir.

Commission: The applicant and representative of the Cherokee Nation present submit the case. The same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooQOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2813

In the matter of the application for the enrollment of Callie Ridge and her minor children, Fannie, Joseph, Jesse, Nannie and Myrtle Ridge, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 10, 1900, Callie Ridge appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself and her five minor children, Fannie, Joseph, Jesse, Nannie and Myrtle Ridge, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 21, 1902.

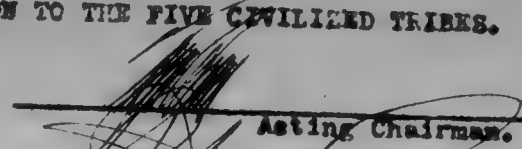
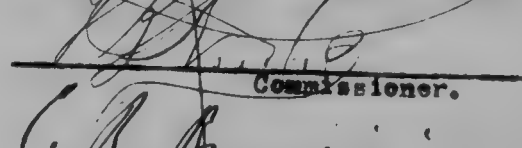

The evidence shows that the said Callie Ridge is a Cherokee by blood. She is not identified on the 1880 authenticated tribal roll of the Cherokee Nation, but an examination of the 1894 pay roll of the Cherokee Nation identifies her on that roll, and she is also identified on the 1896 census roll of the Cherokee Nation as a Native Cherokee. The evidence shows that Fannie, Joseph, Jesse and Nannie Ridge are the minor children of the said Callie Ridge. An examination of the 1894 pay roll of the Cherokee Nation discloses their names on that roll, and they are also identified on the 1896 census roll of the Cherokee Nation as Native Cherokees.

The said Myrtle Ridge is a minor child of the said Callie Ridge. She is too young to be upon any tribal roll of the Cherokee Nation, but she is identified by birth affidavit on file with this Commission.

The evidence further shows that the said Callie Ridge has resided in the Cherokee Nation all of her life; that she was a resident of said Nation at the date of the application herein, and it is considered that the residence of the children, for whom application is herein made, is that of their mother.

It is, therefore, the opinion of this Commission that Callie Ridge, Fannie Ridge, Joseph Ridge, Jesse Ridge, Nannie Ridge and Myrtle Ridge should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 921.

ADDRESS ONLY FOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Callie Ridge for the enrollment of herself and her five minor children, Fannie, Joseph, Jesse, Nannie and Myrtle Ridge, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 122.

THE MATTER OF THE APPLICATION OF

Callie Ridge et al

ROLLMENT AND

CHE...EE CITIZENS.

1. Original testimony. Dec 10 1900.

1. Return of application. Dec 10-1900

1. Supplemental testimony. Dec. 10-1900

1. Affidavit of birth *Thyrle Ridge*

1. Notice of final consideration, *3/1/01*

Transferred to Cherokee packet 9798

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
DEC 10 1900



ACTING COMMISSIONER

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Nancy Catherine Carter for the enrollment of herself, husband and children as Cherokee citizens being sworn by Commissioner Brickbridge, and examined by the Commission, she testified as follows:

- Q What is your name? A Nancy Catherine Carter.
Q What is your age? A 25.
Q What is your post-office address? A Tahlequah.
Q Are you a registered citizen of the Cherokee Nation by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A One-16th.
Q For whom do you make application? A For myself.
Q Anyone besides yourself? A Only my children.
Q How many children? A Three.
Q No husband? A Yes sir.
Q Do you apply for yourself, your husband and three children? A No sir, just myself and three children.
Q How long have you lived in the Cherokee Nation? A 25 years, born and raised here.
Q Have you lived outside of the Cherokee Nation within the past three years? A No sir.
Q What is the name of your father? A Ben J. Newton.
Q In your father's living? A No sir.
Q He was a white man? A Yes sir.
Q What was the name of your mother? A Laura Newton.
Q Your mother is living? A Yes sir.
Q In what district were you living in 1892? A Right here in Tahlequah District.
Q Are you married? A Yes sir.
Q What is the name of your husband? A John Snook Carter.
Q How old is he? A 35 years old.
Q Is he a Cherokee or a white man? A He is a white man.
Q When were you married? A In 1892.
Q Were you married here in the Cherokee Nation? A Yes sir.
Q Under the Cherokee laws? A Yes sir.
Q Are you living with your husband at the present time? A Yes sir.
Q Why don't you apply for him? A Well he is a white man; of course I apply for him the same as myself.
Q Where is he? A He is right there, (husband being called comes forward).
Q Have you any evidence of your marriage? A Yes sir. (Produces papers).
Q When were you first married to your husband? A I think it was in 1892.
Q That was under the laws of the United States was it? A Cherokee law.

By Cherokee Deputy W.W. Hastings:

- Q Where is your original marriage license, your Cherokee marriage license? A They are both right there together.

By Commission:

- Q You were first married under the laws of the United States were you not? A (No reply).
Commissioner: The applicant presents a marriage license authorizing marriage of Snook Carter and Miss Nancy Newton, issued on the 14th day of February 1892, by W. Nelson, Clerk of the United States Court for the First Judicial Division of the Indian Territory, and a certificate showing that he was married by Ridge Paschal, United States Commissioner, on the 16th day of February 1892.

This document is filed herewith.
 To also present a certificate from R. V. Dennenberg, Deputy Clerk of
 Tahlequah District, Cherokee Nation, certifying that said Carter
 returned his marriage license to the deputy clerk for record on
 the 9th day of March 1902; this document is also filed herewith.
 Q Has your husband ever married before you married him?
 A No sir.
 Q Have you ever married before? A No sir.
 Q Have you and your husband lived together continuously since
 your marriage in 1892? A Yes sir.
 Q Give me the name of your oldest child? A James Ira Carter
 now old? A Turned on eight years old.
 Q The name of the next child? A Lela Carter.
 How old? A No sir.
 How old? A Three years old.
 What is the name of the next child? A Albert Carter.
 How old is Albert? A One year old.
 That's all is it? A Yes sir.
 Q Are those children all alive and living with you at the present
 time? A Yes sir.
 Q They are all your children by your present husband? A Yes sir.

JOHN E. CARTER, being sworn by Commissioner Brockbridge and
 examined by the Court as to the facts as follows:

Q What is your name? A John E. Carter.
 Q How old are you? A 32 years old.
 Q What is your post-office address? A Tahlequah.
 Q Are you a ~~married~~ citizen by blood of the Cherokee
 Nation? A Yes sir.
 Q This a plaintiff here in your wife? A Yes sir.
 Q When were you married to her? A In 1892.
 Q You were married under the laws of the Cherokee Nation? A
 Yes sir.
 Q Where is your certificate and marriage license? A I re-
 turned them. Think to the clerk to be recorded.
 Q And he never returned them? A Yes sir, I think that's
 where they are.
 Q Did he return them to you? A I don't remember whether he
 did or not. Cherokee license about there?
 Q Yes sir.
 Q You simply present a certificate from R. Dennenberg of this
 District certifying that he recorded them? A Yes sir, I
 took them to him and he recorded them.
 1880 roll page 746 #1509 Nancy C. Now in Tahlequah native Cherokee
 1898 roll page 1147 #458 Nancy Carter Tahlequah
 1900 roll page 1277 #43 Murch Carter Tahlequah
 1910 roll page 1147 #458 as James E. Carter Tahlequah

Commissioner: The applicant applies for the enrollment of her-
 self and three children as citizens by blood of the Cherokee Nation;
 and for the enrollment of her husband as a citizen by intermarriage
 of the Cherokee Nation; she is identified on the unenrolled
 roll of 1880 and on the census roll of 1894 as a native Cherokee;
 she has lived in the Cherokee Nation all her life, and will be
 listed for enrollment as a Cherokee citizen by blood; her oldest
 child, James I., is identified upon the census roll of 1894 as
 James R. Carter, a native Cherokee; this child is alive and living
 and will be listed with his mother for enrollment as a citizen by
 blood; and when she files with the Commission properly executed
 affidavits as to the births of Lela and Albert, her two children who
 are not named upon the census roll of 1894, they will also be listed
 with her for enrollment as citizens by blood of the Cherokee Nation;
 as to the application which she makes in behalf of her husband, it
 appears they were married in February 1892; she does not produce

Nancy Catherine Carter et al.

and proof that they were married in accordance with the laws and customs of the Cherokee Nation. The husband is identified upon the roll of 1894 as an adopted white; she swears that he was never married before and that she was never married before; they have lived together continuously since 1894; he will be listed for enrollment as a citizen by intermarriage of the Cherokee Nation upon a certificate and will be requested to file with the Commission evidence of his marriage in accordance with the laws and customs of the Cherokee Nation.

M. N. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he currently composed the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. N. Green

Subscribed and sworn to before me this December 10, 1900.

W. H. H. H.

Commissioner.

1-320.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wetumpka, I. T., March 10, 1902.

Very respectfully, in the matter of the application of
John A. Carter for the enrollment of himself as a citizen of the
Cherokee Nation.

The U. S. Court has received a letter dated January 22,
1902, that has application for the enrollment of himself as a citizen
of the Cherokee Nation would be taken up for final consideration
by the Commission at its office in Wetumpka, I. T., on the 12th
day of March, 1902, and that on said date he might appear before the
Commission, either in person or by attorney, when an opportunity
would be given him to introduce any further testimony affecting his
application. The applicant, at this date, to-wit: the 12th day
of March, 1902, has been called, and failing to respond, it is deemed
that his case is completed, and will be reported to the Com-
mission for final decision upon the evidence now on record.

RECEIVED
U. S. DEPT. OF THE INTERIOR

MAR 11 1902

JOHN A. CARTER

I, Wm. Hutchinson, of Wetumpka, certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-922.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of John E. Carter for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the commission at its office in Muskogee, I. T., on the 12th day of March, 1902, and that on said date he might appear before the commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting his application. The applicant having this date, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskegee, I.T., October 20, 1902.

In the matter of the application of John E. Carter for enrollment as an intermarried citizen of the Cherokee nation.

John E. Carter being called as a witness and first duly sworn by the Commission, testified as follows:

- Q What is your name? A John E. Carter.
Q How old are you? A Thirty three years old.
Q What is your postoffice address? A Tahlequah, I.T.
Q Are you a white man? A Yes sir.
Q Are you claiming the right to be enrolled as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q What is your wife's name? A Nancy Carter.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has your wife been living in the Cherokee nation? A A She was raised here.
Q She has lived here all her life? A Yes sir.
Q Is Nancy your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Have you and your wife Nancy been living together ever since you were first married? A Yes sir.
Q Have you ever been separated? A No sir.
Q And are living together now? A Yes sir.
Q Have you made the Cherokee Nation your home ever since you were married?
A Yes sir.
Q You have never lived anywhere else have you? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Four.
Q Are they all living? A Yes, we had six; two of them died but four is living.
Q These two died before enrollment? A Yes, they died about three years ago.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 25th, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John E. Carter as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--101--

The record in this case shows that on December 10, 1900, Nancy C. Carter appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of John E. Carter as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902, and on October 20, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that on or about February 16, 1892, exact date not shown by marriage certificate, the said John E. Carter was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Nancy C. Newton. The name of Nancy C. Newton is identified on the 1880 Authenticated Tribal Roll of the Cherokee Nation in possession of the Commission. The said John E. Carter is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said John E. Carter has lived with his wife in the Cherokee Nation since his marriage to her, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that John E. Carter should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

James Dixby.

Acting Chairman.

SIGNED.

T. E. Needles.

Commissioner.

S.

C. R. Breckinridge.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-922.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Nancy C. Carter for the enrollment of her husband, John E. Carter, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. H-224.

THE MATTER OF THE APPLICATION OF

Wm E. Carter

OR ENROLLMENT AS

CHEROKEE CITIZENS.

- 1. Original testimony, Dec 10 1900
- 2. Return of application Dec 10 1900
- 3. Marriage license & certificate
- 4. Certificate that marriage license was returned for record
- 5. Certified copy of marriage record
- 6. Notice of final consideration, 3/12/02

*Marriage license & certf.**See Cherokee jacket # 6360.*

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THE FIVE CIVILIZED TRIBES
FILE
DEC 11 1900

[Handwritten signature]

ACTING CHAIRMAN

RECEIVED
DECEMBER 11 1900
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

8923

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 10th, 1900.

In the matter of the application of Sophia Silk for the enrollment of her nephew, MOSE MILLER, as a citizen of the Cherokee Nation; said Silk being sworn and examined by Commissioner Breckinridge, testified as follows: Examination conducted through Interpreter, Simon R. Walkingstick:

Q Give me your full name? A Sophia Silk.
Q How old are you? A 43.
Q What is your post office? A Cookson, I. T.
Q In what district do you live? A Illinois.
Q Who is it you want to apply for now? A Mose Miller.
Q How old is he? A About 24.
Q Why does not he apply for himself? A (No response.)
Q Is he in the penitentiary? A Yes, sir, he is in the Penitentiary.
Q Is he a full blood Cherokee? A Yes, sir.
Q Has he lived in the Cherokee Nation all his life? A Yes, sir.
Q When was he sent to the penitentiary? A This last summer.
Q Where was he sent from, here at Tahlequah? A Wagoner.
Q What penitentiary is he in? A Columbus, Ohio.
Q How long has he got to stay there? A She don't know.
Q Give me the name of this man's father? A Cabin Miller.
Q Is he dead? A Dead.
Q Give me the name of the mother? A Susan Miller.
Q Is she dead? A Yes, sir, she is dead.
Q What kin is this boy to you? A He is her nephew, her sister's child.

1880 Roll; page 556, #1198, Moses Miller, Illinois.
1896 Roll; page 378, #1128, Mose Miller, Illinois.

Com'r Breckinridge:--The applicant applies for the enrollment of a nephew and orphan, who is now in the penitentiary at Columbus, Ohio: He is said to have been convicted at Wagoner during the past summer. This man is 24 years of age, but being unable to apply for himself for the conditions states, it is permitted that his Aunt apply for him. Mose Miller is identified on the rolls of 1880 and 1896 as a native Cherokee. He is said to have lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee by blood, on a doubtful card in order that the Commission may examine the official records of it desires to do so.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 11th day of December, 1900.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mose Miller, as a citizen of the Cherokee Nation.

On the 10th day of December, 1900, Sophia Silk ap-
peared before the Commission to the Five Civilized Tribes and made
application for the enrollment of her nephew, Mose Miller, as a
citizen of the Cherokee Nation.

At the conclusion of the testimony offered at that time,
the name of Mose Miller was placed upon a "Doubtful" card for fur-
ther consideration, which has proved satisfactory to the Commission,
and the following decision is rendered:

DECISION

--OO--

From all the evidence of record in this case, it appears
that Mose Miller at the time of this application was about 24 years
of age, and that he is identified upon the Cherokee authenticated
tribal roll of 1880, as Moses Miller. He is also identified upon
the Cherokee census roll of 1896 as Mose Miller.

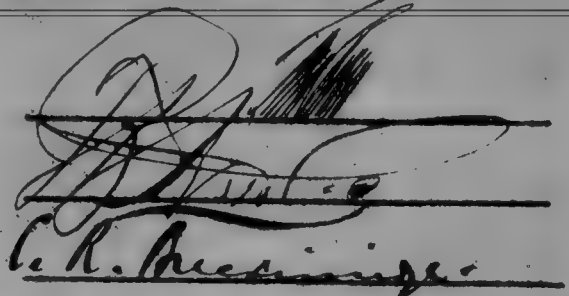
It further appears from the testimony in this case, that
his inability to apply for himself is due to the fact that he was
confined in the penitentiary at Columbus, Ohio. It is also shown
that the aforesaid Mose Miller is an orphan.

The Commission is authorized to make rolls of citizenship
of the Cherokee Nation by the following provision of the Act of
Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes,
as required by law, the Commission to the Five Civilized Tribes
is authorized and directed to take the roll of Cherokee citizens
of eighteen hundred and eighty (not including freedmen) as the

only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts and the law in this case, it is the opinion of the Commission that Mase Miller is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.



C. R. Anderson

Date at Muskogee, Indian Territory,

Commissioners.

this 23 day of April, 1902.

COMMISSIONERS
HENRY I. DAWES,
JAMES BIXBY,
THOMAS B. NEADLES,
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D-923.

MISSING ONLY THE
A COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 23, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

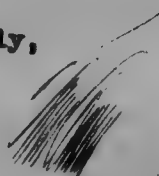
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 23, 1902, in the matter of the application of Mose Miller, No. D-923, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Mose Miller as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, the applicant will be regularly listed for enrollment by the Commission.

Yours truly,



Acting Chairman.

Encl. D-923.

IN THE MATTER OF THE APPLICATION

Moses Miller

FOR RECOGNITION AS

CHEROKEE CITIZENS

A. Original testimony, Dec 10, 1900
B. Memo. of application.

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DEPT. OF THE INTERIOR
THE FIVE CIVILIZED TRIBES
FILED
DEC 10 1900

ACTING CHAIRMAN

4924

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 10, 1900.

In the matter of the application of Nelson Lisanders Hanson for the enrollment of his wife, ALICE, as a Cherokee citizen; being sworn by Commissioner Brookbridge and examined by the Commission he testified as follows:

Q What is your name? A Nelson Lisanders Hanson.
Q How old are you? A 28.
Q What is your post-office address? A Fort Gibson.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q For whom do you make application? A For my wife, Alice.
Q Do you apply for yourself? A No sir.
Q No children? A No sir.
Q What is the name of your wife? A Alice.
Q How old is she? A 21.
Q She is living at the present time? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim for your wife?
A Her father was a 16th I believe.
Q What was the name of her father? A Dudley Johnson.
Q Is he living? A No sir, dead.
Q Was he a Cherokee? A Yes sir.
Q What was the name of your wife's mother? A Emeline.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A No sir, white woman.
Q In what district was your wife enrolled in 1880? A In Illinois District.
Q How long has she lived in the Cherokee Nation? A All her life.
Q Has she been outside of the Nation for any purpose within the past three years? A No sir.
Q When were you married to her? A In 1896.
Q Have you any evidence of your marriage? A No sir.
Q Was she ever married before she married you? A No sir.
Q You have lived together continuously since that time have you?
A Yes sir.
Applicant: My wife is registered on the 1880 roll as Alice Patrick.
Q Why does your wife appear upon the 1880 roll as Alice Patrick?
A Her step-father was named Patrick.
Q Was her father dead before the roll of 1880 was made? A I don't know sir whether he was or not.
1880 roll page 865 #1387 Alice Patrick Illinois Dist native Cherokee, enrolled with Wm. Patrick and Emeline Patrick.
Q Was your wife enrolled in 1896 under your name or under her maiden name? A No sir, she was ~~enrolled~~ not enrolled on that roll; I came the last day of the enrollment and my marriage certificate wasn't recorded and I went back, and it was too late for me to come back.
Q Couldn't they register your wife in 1896? A She never came they would have registered her in 1896 if she had come, but I came.
1896 roll page 1155 #1515 as Alice Hanson Tahlequah Dist.
Q Was your wife's mother a white woman? A Yes sir.
Q Was she ever married to Dudley Johnson? A I don't know whether she was or not.
Commission: Opposite the name of Alice Hanson on the roll of 1896 the following note appears:
"Illegitimate daughter of Dudley Johnson; her mother white woman, who was never married to Dudley Johnson."

Examined and sworn to by Cherokee Deputy W.W. Hastings:

Q Where is your wife? A She is up here in town.
 By Commission:
 Q Is your wife's step-father, William Patrick, living? A No sir, he is dead.
 Q Is your wife's mother living? A Yes sir.
 Q Is she living here in town? A She lives at Collinsville.
 Q What is her present name? A She married a man named Neal; he is a white man; her second name was named Pettit.

By W.W. Hastings:

Q You know whether your wife's mother was married to Dudley Johnson? A No sir.
 Q You know when Dudley Johnson died? A No sir.

GEO. JOHNSON, being sworn and examined, xxx testified as follows:

By the Commission:

Q What is your name? A George Johnson.
 Q How old are you? A About 50.
 Q What is your post-office address? A Tolequa.

By W.W. Hastings:

Q Are you a Cherokee by blood? A Yes sir.
 Q Do you know Alice Henson? A Yes sir.
 Q Did you know her mother? A Yes sir.
 Q What was her mother's name? A Pauline Styles.
 Q She was a white woman? A She was a white woman.
 Q What was her first husband's name? A William Patrick.
 Q Do you know when she married William Patrick? A I couldn't tell exactly.
 Q Did she have a child prior to her marriage to William Patrick? A Yes sir.
 Q Do you know what that child's name is? A It is Alice Henson now.
 Q What name did Alice Henson go by before she was married? A Before she was married she went by the name of Alice Johnson.
 Q Do you know who her father was? A Yes sir.
 Q What was his name? A His name was Dudley Johnson.
 Q How do you know? A He was my own brother.
 Q Was Dudley Johnson a Cherokee? A Yes sir.
 Q Was he recognized as a Cherokee citizen? A Recognized as a Cherokee citizen.
 Q When did he die? A I declare I couldn't tell you; I have forgot.
 Q About how long ago, since 1830? A He has been dead about 8 or 9 years I reckon.
 Q Is he on the 1830 roll then? A Yes sir.
 Q Did he ever live with the mother of Alice Henson as his wife? A Kinder like all other Cherokees did.
 Q Do you know whether he ever lived with her as his wife or not? A Yes sir, he had her right there at his home.
 Q How long did he live with her? A A year or two, - three years I reckon.
 Q Continuously? A Yes sir, had her right there at his home.
 Q Did he ever recognize this woman as his child prior to his death? A Yes sir, he did.
 Q Always recognized her? A Always, sir, and on his dying bed he called for this child; said he wanted to see her.
 Q Did this child ever live with Dudley Johnson? A Yes sir.
 Q How far did Dudley Johnson live from this woman before he died after she married Patrick? A It was about thirty miles.
 Q Where did Dudley Johnson live? A He lived in Rabbit Trap, Going Snake District.
 Q Where did Mrs. Pauline Patrick live? A Just this side of

Alice Hanson 3

Garfield, Illinois District.

Q And Dudley Johnson recognized this as his child?

A Yes sir, always did.

Q Did she ever visit Dudley Johnson to your knowledge; did this child of Johnson's ever visit Dudley Johnson's after she married Patrick? A Yes sir.

Q Ever live with him any? A Yes sir./Oh yes Dudley Johnson kept the child every once in a while.

Q You know that to your own knowledge? A Yes sir, I know that.

Q How long did he keep her? A He would keep her a month or two at a time.

Q Up to the time of his death? A Yes sir.

Q You say that he called for her on his death-bed? A Yes sir

Q Were you present? A I was present.

Q You heard him? A Yes sir, he told me three days before he died that he wanted his little girl, he wanted to see her, he was going to die, and he told me, he says; Cleora, you go and bring her; and I started to bring her, and it was raining and got this river up so I couldn't ferry it, and before I got over there and got her up there he was dead.

Q Did you ever take her up there, after he was dead? A Yes sir, this man Pettit carried her up there to see her grandmother and grandfather.

Q Was it Dudley Johnson's father and mother? A Yes sir.

Q Did this child's grandfather and grandmother recognize the child as their grandchild? A Yes sir, they did before they died.

Q Did this child go up there before Dudley Johnson was buried?

A No sir.

Q Did Dudley Johnson have any other children? A No sir none at all; that's all the child he has got. Dr. Bitting was there when the child was born.

NICHOLAS BITTING, being sworn and examined, testified as follows:

Q By Commission:

Q What is your name? A Nicholas Bitting.

Q How old are you? A 55 years old.

Q What is your post-office address? A Tahlequah.

By W.W.Hastings:

Q Did you know Dudley Johnson, brother of Cleora Johnson?

A Yes sir.

Q He was a Cherokee by blood? A Yes sir.

Q So recognized? A Yes sir, so recognized.

Q You know Alice Hanson, the wife of Nelson L. Hanson? A Yes I know, the one they claim now, - I suppose it is the same one.

Q Do you know anything about her birth? A Yes sir, I was at her birth.

Q Was her mother afterwards known as Euelline Patrick, who married William Patrick? A Yes sir, afterwards Euelline Pettit.

Q She is married now again? A Yes sir.

Q You know who was present when this child was born? Was Dudley Johnson? A I don't remember any one but Dave Johnson Cleora's wife; and I think if I am not mistaken possibly that Adeline Johnson was present.

Q You know whether Dudley Johnson owned or claimed this as his child? A Yes sir, he claimed her, always.

Q Did he at that time? A Yes sir.

Q Do you know whether he was illegally living with this woman, you know whether he ever declared her as his wife? A No, I don't know, - all I know is that they paid the fee.

Q Who did? A Dudley Johnson.

Q You know they have always recognized them since? A No, I know that Dudley Johnson paid the fee.

Q Do you know whether he claimed it at that time as his child? A No, I do not.

Q Did you hear him say anything about it at all? A No, nothing about it any more than he told me he was would see the fee paid, and he paid it. She was living at Isaac Johnson's, the father of Dudley Johnson, and Dudley Johnson was also living there at the time.

Q At the same place? A Yes sir.

Q You know how long she had been living there? A No, she came here, my recollection was, with the family at the time they moved; that's my recollection.

Q And you think she lived up there up until after the birth of this child? A I know she did.

Q You know how long the Johnson's had been there prior to the birth of this child? A No sir.

Q You know how long she lived with this family after they came here? A I don't remember, Mr. Hastings, how long it has been.

Q Do you know she lived with this family more than a year prior to the birth of this child? A Yes sir, I am satisfied it was more than a year; my recollection was she came out here with this family and lived with them until after the birth of this child; that's my recollection.

Examined by Cherokee Rep's Joel L. Baugh:

Q Did he tell you, when he agreed to make the payment for the birth of the child for your services, did he tell you that was his child? A No, I don't think he did.

Q He didn't tell you that she was his wife? A No sir, never told me anything about it.

By W.W. Hastings:

Q How far did you live from these people at that time? A Two miles, or two and a half.

Q How long had you been living there? A Two or three years prior to the birth of the child.

Q Was there any dispute in that neighborhood at that time as to who was the father of this child? A I think not.

Q Was it generally recognized that Dudley Johnson was the father of this child? A Yes sir, generally recognized as such. It was never recognized as any other but Dudley's child.

RODDY REESE, being sworn and examined, testified as follows:

Q By Commission:

Q What is your name? A Roddy Reese.

Q How old are you? A 58.

Q What is your post-office? A Harard.

Examined by Cherokee Rep's Joel L. Baugh:

Q Mr. Reese, are you acquainted with Nelson M. Hanson, this man here? A Yes sir.

Q Are you acquainted with his wife, Alice Hanson? A I am pretty well acquainted with her, - seen her ever since she was a little child.

Q About how long have you known her? A I couldn't say how long, 17 or 18 years I reckon.

Alice Hanson 5

Q Do you know whether she is a Cherokee or not? A I couldn't say; it has been disputed all the way; first time I ever knew her mother they called her Alice Patrick; her mother was living with Bill Patrick.

Q If you know anything relative to that matter I want you to state it? A And she married William Pettit, and William Pettit brought her to school there, I was one of the directors, and told me she was a white girl, but, he says, I am a citizen and her mother is a citizen and she has got a right to go, and we just let her go on there.

Q Did he tell you her mother was a citizen? A Yes sir, he said she was a citizen; he said she was a white woman.

Examined by .W.W.Hastings.

Q What is your information as to who was the father of this child, who did Pettit say was her father? A I never did hear him say.

Q Did you ever hear Mr. Patrick say? A No sir.

Q Did you ever hear anybody say? No sir.

Q By what name did she afterwards go? A She went by the name of Alice Johnson; when I first knew her she went by the name of Alice Patrick, and when she moved down there they called her Alice Johnson.

Q That was before her mother was married the second time?

A Yes sir.

Q Who was reputed to be her father? A I never did hear that.

by Joel L. Baugh:

Q But Mr. Pettit said that she was a white girl. A Yes sir. But he says I am a native here and my wife is a white woman, and this girl is a white woman, but us being citizens and her being a citizen.


Q Mr. Pettit was her step-father? A Yes sir.

Commissioner:

Nelson L. Hanson applies for the enrollment of his wife as a citizen by blood of the Cherokee Nation; his wife is identified upon the authenticated roll of 1880 - under the name of her step-father, Patrick; she appears on the ~~authenticated~~ said roll as a native Cherokee; she is identified upon the census roll of 1896 as a native Cherokee, under the name of her present husband; she has lived in the Cherokee Nation all her life; it appears from the testimony that she is the illegitimate child of Dudley Johnson by his wife Darline, a white woman, and for the further consideration of the Commission as to this fact, she will be listed for enrollment as a citizen by blood, upon what is known as a doubtful card; when final judgment is rendered in her case the applicant will be notified in writing at his present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this Dec. 11, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 16 1900

[Signature]
ACTING CHAIRMAN

8924

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 14, 1900.

In the matter of the application of Alice Henson for enrollment.

Supplementary Testimony.

Witness, Emeline Neel, being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name. A Emeline Neel.
Q How old are you? A I am going on 44 years old.
Q What is your postoffice? A Collinsville.
Q In what district do you live? A Cowwasee Creek.
Q Do you know Nelson L. Henson? A Yes sir.
Q You know his wife? A Yes sir.
Q Is she any kin to you? A Yes sir, she is my daughter.
Q How long have you lived in the Cherokee Nation? A Ever since I was going on 15 years old.
Q Were you admitted to citizenship then by the Cherokee Commissioner? A Yes sir, I come here with that girl's pa.
Q You are a white woman yourself? A Yes sir, I am a white woman.
Q What was your daughter's name twenty years ago? A Alice Johnson.
Q And what was your name twenty years ago? A Johnson.
Q Did your daughter ever marry before and married Henson? A No sir.
Q Was she ever known as Patrick? A No sir; Bill Patrick was her step-father.
Q Her right name was Alice Johnson? A Yes sir.
Q But you were married to Patrick twenty years ago? A Yes sir.
Q Did you have any other children named Alice? A Only this one. She is my oldest child.
Q You didn't have any other children by that name by Patrick? A Never had any children by Patrick.
Q And when did she marry Henson? A I think she married him about '86 or '87. I don't recollect.
Q Was she ever married before that? A No sir.
Q And then in 1886 she would be enrolled likely as Patrick or Johnson? (No answer)
Q What was your name in 1886? A Pettit; he was my husband. I was a widow woman then.

Commissioner Breckinridge-

It appears from the testimony Case D-924 in the case of Alice Henson that she was identified on the roll of 1880 as Alice Patrick with her mother and step-father, and also identified on the roll of 1886, there as Alice Henson. This appears to be satisfactory identification of this woman, and the evidence will be filed with the original application, D - 924.

E. C. Rotherberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 15th day of December, 1900.

E. C. Rotherberger
[Signature]
Commissioner.

B.

D. 1-024.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Alice Hendon for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that her application for the enrollment of herself as a citizen
of the Cherokee Nation could be taken up for final consideration by
the Commission at its offices in Muskogee, I. T., on the 12th day
of March, 1902, and that on said date she might appear before the
Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt was acknowledged of the Commission's letter,
and the applicant having, this day, to-wit: the 12th day of March,
1902, been called, and failing to respond, it is deemed that her
case is completed, and same will be reported to the Commission for
final decision based upon the evidence now of record.

RECEIVED
MARCH 13 1902
DEPT. OF THE INTERIOR

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

2.

9 D-924.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Alice Henson for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1902, that her application for the enrollment of herself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Muskegee, I. T., on the 12th day
of March, 1902, and that on said date she might appear before the
Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt was acknowledged of the Commission's letter,
and the applicant having this date, to-wit: the 12th day of March,
1902, been called, and failing to respond, it is deemed that her
case is completed, and same will be reported to the Commission for
final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alice Henson as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 10, 1900 Nelson L. Henson appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his wife, Alice Henson, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 14, 1900 and at Muskogee, Indian Territory, on March 12, 1900.

The evidence shows that the said Alice Henson has lived in the Cherokee Nation all her life. She is identified on the 1880 authenticated tribal roll of the Cherokee Nation under the name of Alice Patrick and on the 1896 Census Roll of the Cherokee Nation as Alice Henson.

The evidence further shows that the said Alice Henson was a resident of the Cherokee Nation at the date of the application herein.

It is, therefore the opinion of this Commission that Alice Henson should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

this SEP 10 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 924.

ADDRESS IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

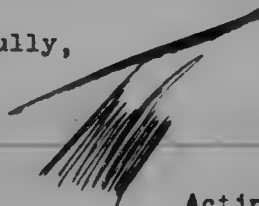
Muskogee, Indian Territory.

Dear Sir;

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Nelson L. Henson for the enrollment of his wife, Alice Henson, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 28.

D
IN THE MATTER OF THE APPLICATION OF

Will Hendon

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

A. Original testimony. Dec. 10-1900

B. Memo of application. Dec 10 1900.

C. Supplemental testimony. Dec 14 1900

D. Notice of final consideration, 3/14/02

E.

Transferred to Cherokee
Jack 4799

Cher D 925

Cher D 925

COMMISSION 7 / THE OVERSEAS

DEC 12 1900

ACTING CHAIRMAN

Department of the Interior,
Correlating to the Civilized Tribes,
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Carrie A. Collins for the enrollment of herself and 2 children as Cherokee citizens; being sworn by Commissioner Breckinridge and examined by the Commission she testified as follows:

- Q What is your name? A Carrie A. Collins.
- Q How old are you? A 34.
- Q What is your post-office address? A Tahlequah.
- Q Are you a Cherokee by blood? A No sir.
- Q By adoption? A Yes sir.
- Q For whom do you make application? A Myself and two children.
- Q No husband? A No sir, he is dead.
- Q How long have you resided in the Cherokee Nation? A All years, about 12.
- Q Have you been out of the Cherokee Nation during the last three years for any purpose? A No sir.
- Q When were you married? A In 1897.
- Q What is the name of your husband? A Thomas P. Collins.
- Q Is he living? A No sir, he is dead.
- Q Was he a Cherokee by blood? A Yes sir.
- Q Does his name appear upon the last roll? A I don't know if it is on the last roll.
- Q Have you any evidence of your marriage to him? A Yes sir (Pamphlet papers).
- Q Where were you living at the time of your marriage? A Talberton, Georgia, Talbert County.
- Q How long after your marriage before you came to the Cherokee Nation to live? A About a year.
- Q Had you ever lived in the Cherokee Nation previous to that time? A No sir.
- Q Had your husband ever lived here prior to that time? A No sir.
- Q Were you ever married before you married your present husband? A No sir.
- Q Was he ever married before? A No sir.
- Q You lived with him continuously until the time of his death? A Yes sir.
- Q When did he die? A Three years ago, - in 1896.
- Commissioner: The applicant presents a certified copy of a marriage license signed by Richard J. Leonard, Ordinary of Talbert County, Georgia, authorizing marriage of Thomas P. Collins and Carrie A. Collins; and a certified copy of marriage certificate showing that the parties were united in marriage on the 14th day of December 1897, by S. Maxwell, Minister of the Gospel; the document is filed herewith.
- Applicant also presents an act of the Cherokee Commission on citizenship signed by J. T. Adair, Chairman of the Commission on citizenship, attested by Connell Rogers, Clerk of the Commission on citizenship; approved and indorsed by J. H. Rogers, Principal Chief of the Cherokee Nation; document was taken from the office of the Commission on citizenship at Tahlequah on the 14th day of June 1898; it admits one Thomas Parker Collins, aged at that time 26 years, to citizenship in the Cherokee Nation. Document is filed herewith.
- Q Is the Thomas Parker Collins mentioned in this certificate your deceased husband? A Yes sir.
- Q Where was he living at the time of his admission to citizenship in the Cherokee Nation? A We were living in Georgia when he first made application, and we moved here a short time afterwards.
- Q Did you ever re-marry your husband after you came to the Cherokee Nation? A No sir.
- Q Did he live here continuously after he came from Georgia to

the Cherokee Nation? A Yes sir, all the time.
 Q Never lived at any other place? A No sir, no other place except Tahlequah.
 Q Give me the name of your oldest child? A Clifford T. Collins.
 Q How old is he? A 11 years old.
 Q The next child? A Mary E. Collins.
 Q How old is Mary? A 4 years old.
 Q These children alive and living with you? A Yes sir.
 Q They are both children of your self and Thomas P. Collins, your deceased husband? A Yes sir.
 1894 roll page 1277 344 Carrie A. Collins Tahlequah
 1896 roll page 1143 3474 Clifford T. Collins, "
 1896 roll page 1143 3475 Mary E. Collins

Conclusion: The applicant applies for the enrollment of her self as a citizen by int. marriage of the Cherokee nation, and for the enrollment of her children, Clifford T. and Mary E. Collins as citizens by blood of the Cherokee nation; she produces satisfactory proof as to the admission of her husband to citizenship in the Cherokee Nation in June 1883; she also produces satisfactory proof as to her marriage to her husband on the 14th day of December 1887; she and her husband removed to the Cherokee Nation about one year after their marriage; they have resided here continuously ever since that time; she swears that her husband died in the year 1893; neither of them had ever been previously married; she lived with him continuously up until the time that of his death; it appears that she did not re-marry in accordance with the laws and customs of the Cherokee Nation after her husband had been admitted to citizenship in the Cherokee Nation, and for this reason she will be listed for enrollment as a citizen by int. marriage of the Cherokee Nation upon that is known as a doubtful card; when a final decision is reached in this case she will be notified at her present post-office address.

As to the application which she makes in behalf of her two children; they are identified upon the census roll of 1894; they are alive at this time, and will be listed for enrollment as Cherokee citizens by blood.

W. B. Brown, being first duly sworn, deposes that he is a member of the Cherokee Nation, to the five Civilized Tribes and he correctly recorded the testimony of the witnesses in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

W. B. Brown

Subscribed and sworn to before me this 11th day of October 1894.

[Signature]

Commissioner.

D-925.

Department of the Interior,
Commission to the Five Civilized Tribes.
Wokee, I. T., March 14, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Bernie A. Collins for the enrollment of herself as a citizen of the
Cherokee Nation.

The applicant was notified by registered letter February 20,
1903, that her application for the enrollment of herself as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its offices in Wokee, I. T., on the 12th day
of March, 1903, and that on said date she might appear before the
Commission, either in person or by attorney, when an opportunity
would be given her to introduce any further testimony affecting her
application. Receipt was acknowledged of the Commission's letter,
and the applicant having failed to appear, to-wit: the 12th day of March,
1903, when called, and failing to respond, it is deemed that her
case is completed, and henceforth to be referred to the Commission for
final decision based upon the evidence now on record.

RECEIVED
OFFICE OF THE COMMISSIONER
DEPARTMENT OF THE INTERIOR

I, J. H. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

[Signature]
J. H. Hutchinson

R.

C. D-925.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Carrie A. Collins for the enrollment of herself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 20, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 12th day of March, 1902, and that on said date she might appear before the Commission, either in person or by attorney, when an opportunity would be given her to introduce any further testimony affecting her application. Receipt was acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 12th day of March, 1902, been called, and failing to respond, it is deemed that her case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

DEPARTMENT OF THE INTERIOR.

Commission on the Five Civilized Tribes.
 Muskogee, Indian Territory, October 22th, 1902.

In the matter of the application of Carrie A. Collins for the
 enrollment of herself as a citizen by Intermediaries of the Cherokee
 Nation.

Subpoena to W-224.

CARRIE A. COLLINS, being duly sworn, testified as follows:
 Examination by the Commission.

- Q. What is your full name? A. Carrie Alice Collins.
 Q. How old are you? A. 36 years old.
 Q. What is your last office? A. Tailor.
 Q. You are a white woman, are you? A. Yes, sir.
 Q. You are claiming to be a citizen by intermarriage? A. Yes, sir.
 Q. What is the name of the husband through whom you claim to be a citizen? A. Thomas Collins.
 Q. Is he dead? A. No, sir.
 Q. When were you married to Mr. Collins? A. 1897.
 Q. Was he a Cherokee by blood? A. Yes, sir.
 Q. Had you ever been married before you married Mr. Collins?
 A. No, sir.
 Q. Had Mr. Collins ever been married before he married you?
 A. No, sir.
 Q. Did you live together in the Cherokee Nation ever since your
 marriage up until he died? A. Yes, sir.
 Q. When did he die? A. 5 years ago.
 Q. Have you married since? A. No, sir.
 Q. Have you been living in the Cherokee Nation since 1897?
 A. Yes, sir; ever since we were married.
 Q. How many children have you? A. Two.
 Q. Are they living with you? A. Yes, sir.
 Q. Was your husband an admitted citizen? A. Yes, an admitted
 citizen; yes, sir.
 Q. When was he admitted? A. In 1891, I think.

BY MR. STARR:

- Q. He is your first husband? A. My first husband; yes, sir.
 Q. You are his first wife? A. Yes, sir.

The undersigned, being first duly sworn, states that he
 has read the foregoing deposition of Carrie A. Collins and that he
 reported the same to the Commission on the Five Civilized Tribes
 and that he has no objection to the same being read in evidence
 and to the same being transcribed of and being a part of the record.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 13th, 1902.

In the matter of the application of Carrie A. Collins for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-925.

Cherokee Nation appears by J. C. Starr.

CARRIE A. COLLINS, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your full name? A. Carrie Alice Collins.
Q. How old are you? A. 36 years old.
Q. What is your post office? A. Tahlequah.
Q. You are a white woman, are you? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the husband through whom you claim citizenship? A. Thomas Collins.
Q. Is he living? A. No, sir.
Q. When were you married to Mr. Collins? A. '87.
Q. Was he a Cherokee by blood? A. Yes, sir.
Q. Had you ever been married before you married Mr. Collins?
A. No, sir.
Q. Had Mr. Collins ever been married before he married you?
A. No, sir.
Q. Did you live together in the Cherokee Nation ever since your marriage up until he died? A. Yes, sir.
Q. When did he die? A. 5 years ago.
Q. Have you married since? A. No, sir.
Q. Have you been living in the Cherokee Nation since 1887?
A. Yes, sir; ever since we were married.
Q. How many children have you? A. Two.
Q. Are they living with you? A. Yes, sir.
Q. Was your husband an admitted citizen? A. He was an admitted citizen; yes, sir.
Q. When was he admitted? A. In '86 I think.
Q. BY MR. STARR:
Q. He is your first husband? A. My first husband; yes, sir.
Q. You are his first wife? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of December, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Carrie A. Collins as a citizen by intermarriage of the Cherokee Nation

DECISION.

The record in this case shows that on December 10, 1900 Carrie A. Collins appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment, among others, of herself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 12, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Carrie A. Collins was lawfully married on December 14, 1887 to Thomas P. Collins, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on June 20, 1888.

The Cherokee Supreme Court in the cases of the Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

The said Carrie A. Collins is identified on the 1896 Census Roll of the Cherokee Nation.

The evidence further shows that the said Carrie A. Collins, with her husband, removed to the Cherokee Nation within about one year after the admission of her husband to citizenship; that she lived with him in the Cherokee Nation from that time until his death; that she has continued to so reside, and was a resident of the said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Carrie A. Collins should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. A. Buchanan
Commissioner.

Muskogee, Indian Territory,
this AUG 11 1902

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 925.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application for the enrollment of Carrie A. Collins as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 40.

THE MASTER OF THE APPLICATION OF

Barrie A. Collins

ALME.

LOFF CL

Original testimony Dec 1900

Prem of application Dec 1900

Transcribed in Certificate (copy)

Certificate of (re) admission

Ca

Notice of final consideration 3/12/03

#

See Cherokee jacket # 6368,
64

Cher D 926

Cher D 926

D 9.26

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900



ACTING CHAIRMAN.

Department of the Interior,
Commission to the Two Civilized Tribes,
Tahlequah, I.T. December 10, 1900.

In the matter of the application of Willis Davis for his enrollment of himself as a Cherokee citizen; being sworn ~~and examined~~ by Commissioner Breckinridge and examined by the Commission he testified as follows:

Q What is your name? A Willis Davis.
Q No middle name? A No sir.
Q How old are you? A Between 48 and 49.
Q What is your post-office address? A Briggs.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q For whom do you make applications? A Just for myself.
Q No wife or children? A No sir. My wife is dead.
Q How long have you actually resided in the Cherokee Nation?
A About 46 years.
Q Have you been outside of the Nation at any time within the last three years? A No sir.
Q What is the name of your wife? A Lucy Pettit.
Q Is she living? A No sir.
Q How old would she be if she were living to-day? A She would be about 39 or 40.
Q Was she a Cherokee by blood? A Yes sir.
Q What is the name of her father? A Tom Pettit.
Q Is he living? A No sir.
Q Was he a Cherokee? A Yes sir.
Q What is the name of her mother? A Sidney Pettit.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee? A Yes sir.
Q Does your wife's name appear upon the authenticated roll of 1890? A Yes sir, I suppose so.
Q When were you married to her? A In 1873.
Q Or 1879 I don't remember exactly.
Q Does your name appear upon the authenticated roll of 1890?
A Yes sir, it ought to.
Q When did your wife die? A I don't remember what year. She died; she has been dead about 6 or 7 years though.
Q Did you live with her continuously up until the time of her death? A No sir.
Q How long did you live with her? A I lived with her 7 years.
Q Did you get a divorce from her? A Yes sir.
Q Why secured the divorce, you or she? A I did.
Q Upon what grounds? A Adultery.
Q Have you ever remarried since? A No sir.
Q Since you were divorced from her? A No sir, I have never married since.
Q Did she ever remarry after she was divorced from you?
A No sir.
Q Did you have any children by her? A No sir.
Q Have you any evidence of your marriage? A No sir.
Q Mr. George Hanks defended my divorce case.

Examined by Cherokee Atty W.W. Hastings:

Q Did you bring the case on or do it bring it? A I brought it up.
Q You brought the suit for me? A Yes sir.
Q Who defended your office? A No one at all, she just renitted to it.
Q Why didn't you apply at Ft Gibson? A I was sick at that time.
Q 1890 roll page 525 #594 Willis Davis Ill. Dist. adopted white, enrolled with Lucy Davis.

Willie Davis 2.

1896 roll page 927 449 Willie Davis Illinois 47 years old
On roll as husband of Polly Davis.

- Com: Q Did you ever marry after you were divorced from your wife?
A No sir.
Q Do you know anyone named Polly Davis? A Yes sir.
Q Who was she? A She was a woman I lived with, but we wasn't married.
Q She recognized as your wife? A Yes sir.
Q Never were married to her? A No sir.
Q Did you have any children by her? A Yes sir.
Q Was she a Cherokee or a white woman? A She was a Cherokee.
Q How many children did you have by her? A 3.
Q Are they all alive? A Yes sir.
Q How long did you live with her? A I lived with her nine years, about eight or nine years.
Q And you held her out as your wife? A Yes sir.
Q You were never legally married to her? A No sir.

By C. W. Hastings:

Q Were you living with this second woman before you were divorced from the first one? A No sir.

Q Did you have any children by her prior to your divorce?
A No sir.

Q Did you ever live this way with a white woman? A No sir.

Q Did you ever have any children by a white woman? A No sir.

Q Have you lived here in the Cherokee Nation all the time?
A Yes sir, I've lived here in the Cherokee Nation the principal part of my life, all except two years; I was just two years old when I came ~~xxxxxx~~ here, I am a disputed citizen.

Q You were? A Yes sir.

Q Why were you disputed? A Because my parents I suppose didn't go and put down their names on the record upon first coming here, and then the war came up and that prevented them until peace was made, and after peace was made my mother couldn't get no record from her mother; well they didn't dispute us either until the second enrollment for the grass money, "hungry money" we called it, and then I was disputed; I was allowed the privilege of my Cherokee up to that time; made places and sold places, and was recognized up to that time.

By Commission:

Q You were recognized as a citizen by blood? A Yes sir.

Q Did you ever apply to the Cherokee tribal authorities for admission as a citizen by blood? A Yes sir.

Q Did you apply to the Dawes Commission? A Yes sir, I took it to the Council too.

Q What was the action of the Dawes Commission? A Well I could not tell. (Providence papers)

Q Who is Allison Davis? A My brother.

Q Who is Lizzie Davis? A My sister.

Q Who is Louis Davis? A My brother's son.

Q Was your mother's name Winerva Davis? A Yes sir.

Q What was your father's name? A James Davis.

Q You claim right to enrollment through your father, or through your mother? A Through my mother.

By W. W. Hastings:

Q Did you apply with your brother? A Yes sir, I made out one application myself.

Q I mean to the Dawes Commission in 1896? A No sir, it was my brother Allison done the work.

Q And your name was included in his application? A Yes sir.

Willie Davis 3

- Q How long has your father been dead? A About 16 years.
Q Does her name appear upon the authenticated roll of 1890?
A I don't think it do.
Q What is her name? A Minerva Davis.

By Commission:

Q Was your name embodied in the application which your brother made to the Commission to the Five Civilized Tribes in 1896?

A Yes sir.

Q It was included in the application? A Yes sir, I think so. Commission Docket "A", page 453 #2736 Allison Davis, vs Cherokee Nation; filed September 5, 1896; answer filed; application denied at Vinita, Indian Territory, on the 9th day of November, 1896; no appeal was taken.

Q Did you ever go by any other name than Willie? A No sir.

Q Did they ever call you Jack? A No sir.

Commissioner: The applicant applies for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. He is identified upon the authenticated roll of 1890 as an adopted white; he avers that he was married in the year 1878 or 1879 that he lived with his wife about 7 years, when he secured a divorce from her; he avers that he was never remarried since that time, but for about nine years lived with a Cherokee woman, and held her out to the community as his wife; he also avers that his name was embodied in an application which was made by his brother, Allison Davis, to the Commission to the Five Civilized Tribes in accordance with the Act of Congress approved June 10, 1896; the Commission is unable to determine at this time whether or not his name was embodied in said application, and for that reason, he will be listed for enrollment as a Cherokee citizen by intermarriage, being listed upon a doubtful card, and when the final decision of the Commission is reached in his case, he will be notified in writing at his present post-office address.

J. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Brown

Subscribed and sworn to before me this 26th day of April, 1900.

[Signature]

Commissioner.

It appears from the record of the Commission, made in accordance with the Act of Congress approved June 10, 1896, Docket A, page 453, Cherokee number 2766, that Allison Davis and others filed an application for admission to citizenship in the Cherokee Nation under the provisions of the said Act, on the 5th day of September, 1896; that the answer of the Cherokee Nation was filed thereon and the application denied by the Commission at Winita, Indian Territory, on the 14th day of November, 1896. The record in this case fails to show that any appeal was taken by the applicant from the decision rendered by the Commission.

BY COMMISSIONER: Do you desire to make any further statement relative to your application? A. No sir.

Q. You submit the case to the Commission for final decision? A. Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case and same is deemed completed and will be referred to the Commission for final decision based upon the evidence now of record.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

WAB 63 1003

H. H. H. H.

1, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings in this case, and the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson
Stenographer

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C. D-926. Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL TESTIMONY APPROVED in the matter of the application of Willis Davis for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902. The applicant this day, to-wit: the 13th day of March, 1902, appears in person.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Willis Davis, that it would, by its representative, on the 13th day of March, 1902, at the offices of the Commission, in Muskogee, I. T., introduce testimony tending to disprove the right of the said Willis Davis to be enrolled as a citizen of the Cherokee Nation.

WILLIS DAVIS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION OF MR. DAVIS: What is your name? A. Willis Davis.
Q. How old are you? A. I was fifty years old on the 25th day of this past December.
Q. You are an applicant before the Commission for enrollment as a citizen of the Cherokee Nation? A. Yes sir.

The following document was filed with the Commission under the provision of Act of Congress approved June 10, 1896, by Willis Davis, applicant in this case:

Application for Citizenship.
To the Honorable Dawes Commission,
Vinita, Indian Territory.

The undersigned, Willis Davis, your petitioner, makes this his application for admission to citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, in accordance with all the treaties, constitutions and laws of the Cherokee Nation and precedents established and of record, and respectfully submits the following statement of facts for the ground of his claim, to-wit:

That he is the son of one Minerva Davis and the grand-son of one Samuel Martin, who, your petitioner firmly believes, was a Cherokee Indian by blood and duly acknowledged member of the Cherokee Tribe of Indians, and from whom he derives his Cherokee blood entitling him to citizenship in the Cherokee Nation, Indian Territory; that the name of the said ancestor should be found to appear on the census rolls taken and made of the Cherokees East of the Mississippi River in the year 1835. And your petitioner respectfully awaits the time his application for admission, together with the proof in support thereof, shall be truly heard and passed upon.

That the age of your petitioner is forty-seven years, and that his post office address is Braggs, I. T.*****

In witness whereof I have hereunto set my hand at Tahlequah, I.T., this 3rd day of September, A.D. 1896.

Willis Davis.

Subscribed and sworn to before me at Tahlequah, I.T. this 3rd day of September, A.D. 1896.

My commission expires January 16, M. O. Chermley,
1899. Notary Public, Northern District
I. T.

(SEAL)

It appears from the record of the Commission, made in accordance with the Act of Congress approved June 10, 1896, Section 4, page 445, Cherokee number 5765, that Allison Davis and others filed an application for admission to citizenship in the Cherokee Nation under the provisions of the said Act, on the 8th day of September, 1896; that the answer of the Cherokee Nation was filed thereagainst the application denied by the Commission at Vinita, Indian Territory, on the 9th day of November, 1896. The record in this case fails to show that any appeal was taken by the applicant from the decision rendered by the Commission.

BY COMMISSIONER: Do you desire to make any further statement relative to your application? A. No sir.

Q. You submit the case to the Commission for final decision?

A. Yes sir.

The applicant and the representative of the Cherokee Nation present submit the case and same is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

256
I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED
OCT 1 1902

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

THE FOLLOWING IS A SUMMARY OF THE PROCEEDINGS OF THE
COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

THE COMMISSIONERS OF THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSION TO THE CIVILIZED TRIBES, HELD AT
SALT LAKE CITY, UTAH, ON THE 1ST, 2ND, 3RD, 4TH, 5TH, 6TH, 7TH, 8TH, 9TH, 10TH, 11TH, 12TH, 13TH, 14TH, 15TH, 16TH, 17TH, 18TH, 19TH, 20TH, 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, 28TH, 29TH, 30TH, AND 31ST OF OCTOBER, 1902.

Cherokee B-926.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 6, 1902.

In the matter of the application of Willis Davis for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Willis Davis.
Q What is your age? A Fifty-five.
Q What is your postoffice? A Briggs.
Q Are you the same Willis Davis that made application to the Commission for enrollment as an intermarried citizen? A Yes sir.
Q You gave your age then as forty-eight, was that a mistake? A Yes sir, that was a mistake. I didn't know my exact age and I asked a certain person.
Q It should have been fifty-three, two years ago, should it? A Yes sir.
Q What is your Cherokee wife's name? A Lucy Pettit.
Q Is she living? A No sir.
Q How long has she been dead? A About eight years.
Q When were you married to her? A In '89 I believe.
Q You and she lived together all the time up until her death? A No sir.
Q Were you separated? A Yes sir.
Q When were you separated? A In '88 or '89.
Q What was the cause of your separation? A She cuckold me; they call it ~~snakeskin~~ adultery.
Q Did she leave you or you leave her? A I made her leave me.
Q That you say took place in '88 or '89? A Yes sir.
Q You never were married to any other woman? A No sir, not lawfully married.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A I suppose so, I couldn't say as to that.
Q Then you never married any other woman since you and she separated? A No sir.
Q Were you still a single man on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880? A Yes sir.
Q As I understand you your wife didn't leave you of her own free will, you kind of made her go? A Well, yes sir, after I caught her with that man.
Q The question I want to know is this, she didn't get up and leave you voluntarily of her own free will, did she? A Yes sir.
Q Did you have a row with her? A Yes, we kind of fussed a little and she left.
Q Did you tell her to go? A I told her she might go that I didn't have any further use for her.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of October, 1902.

R. L. Rothberger
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willis Davis as a citizen by intermarriage of the Cherokee Nation.

DECISION.

--:01:--

The record in this case shows that on December 10, 1900, Willis Davis appeared before the Commission at Tahlequah, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902, and on October 6, 1902.

The applicant states that he was married about the year 1878, to Lucy Pettit, a Cherokee citizen by blood; that they lived together about six or seven years, when they separated; and that he procured a divorce from her on the grounds of adultery. The applicant is identified on the 1880 Authenticated Tribal Roll of the Cherokee Nation, and on the Cherokee Census Roll of 1896. The evidence shows that the applicant has lived with one Polly Davis for about nine years next before the date of the application herein; that he has never been married to the said Polly Davis, and he states that she is a Cherokee citizen by blood. The said Polly Davis is identified on the 1896 Census Roll of the Cherokee Nation, as a Cherokee by blood.

The evidence further shows that the applicant has resided continuously in the Cherokee Nation forty-six years next before the application herein, and had not remarried since his divorce from his wife, Lucy, up to and including September 1, 1902.

From the records of the Commission it appears that the applicant, Willis Davis, filed his original petition, under the Act of Congress, June 10, 1896, (29 Stats., 321) with the Commission to the Five Civilized Tribes, for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission and no appeal taken therefrom.

It is the opinion of this Commission that the applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of his application for admission as a citizen by blood, under the provisions of the said Act of June 10, 1896, (29 Stats., 321), and that the said Willis Davis should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

this DEC 10 1902

Commissioner.

ATTORNEYS

L. H. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

C. D. 226

Kusköge, I. T. March, , 1902.

Mr. B. W. Alberty,

Tahlequah, I. T.

Dear Sir:-

Please examine the records of Illinois District, and send us a certified copy of the decree of divorce in the case of Willis Davis, and his wife, Lucy Davis, who's maiden name was Lucy Pettit.

Yours very truly,

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2127
KEEEN IN REPLY TO THE FOLLOWING

Cherokee D-926.

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

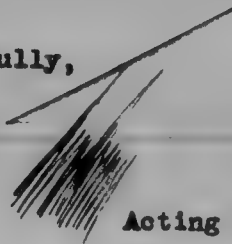
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Willis Davis for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-249.

STATE OF THE APPLICATION OF

Willis Davis

FOR ENROLLMENT AT A

CHEROKEE

Not a

~~Willie Davis~~

~~FOR ENROLLMENT AS
CHEROKEE CITIZENS.~~

~~A. Original testimony. Dec 10 1900~~

~~B. Return of application. Dec 10-1900~~

~~C. Notice of final consideration, 3/13/01~~

~~* Proof of service of notice 3/13/01~~

~~Com. ...~~

~~✓~~

19

Cher D 927

Cher D 927

[illegible]

THE UNIVERSITY OF CHICAGO

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

OFFICE OF THE ATTORNEY GENERAL

1915.

NOTES :

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1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

8427

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Tackie Bowlin.
Interpreted by J.R. Sequichie.

Supplementary Testimony.

- Q You had a brother named Dick and one named Ratt? A Yes sir.
Q What is the given name of your brother Dick? A William Dick.
Q Is he alive? A He's dead.
Q How long since he died? A About three years.
Q How old was he when he died? A About twenty.
Q Did you have any other brothers besides William Dick? by the name of Dick? A No sir.
Q Did you have any sisters by the name of Dick? A No sir.
Q What was the given name of your brother Ratt? A She claims she has no brother named Ratt.
Q Is William Dick your full brother or half brother? A That one and herself were full brother and sister.
Q Was he the only full brother she had? A Yes, that was all.
Q She had no full sister? A No sir.
Q Who is Jennie Speaker? A That's somebody else.

Commissioner- No record can be found of this alleged brother, William Dick, on the roll of 1880 nor the roll of 1896.

Witness, John H. Greece, being sworn by Commissioner C. R. Breckinridge, testified-

- Q Give me your name? A John H. Greece.
Q How old are you? A 33 years old.
Q What is your postoffice? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A Raised in the Cherokee Nation, Tahlequah district.
Q You know anything about this woman here, Tackie Bowlin, or Jennie Bowlin? A I know the girl. She came to my house when she was very small with her aunt, and they staid there until she was a large girl before they left home.
Q You know anything about her mother. A No sir, I don't know her mother.
Q You know who her father was? A No sir, only by other people talking.
Q Did you ever see her mother. A No sir.
Q What did you hear people say about her mother or father? A Her father I suppose didn't take the woman for a wife.
Q What did they say about the mother? A She staid with her mother until she died.
Q Who was her mother? A I couldn't tell who she was.
Q Who was she understood to be and what? A I don't know that. Her grand-mother is now living with John Ratt.
Q Is that grand mother the mother of this woman's mother or through this woman's father? A Mother.
Q And is now the wife of John Ratt? A Yes sir, the wife of John Ratt.
Q What is the name of the wife of John Ratt? A I don't know her name.
Q How old is John Ratt? A Somewhere about sixty.
Q About how old is this woman that's living with him? A Between fifty and sixty somewhere along there.
Q How long has she been living with John Ratt? do you know? A I don't know.

2- T.B.

Q You know whether she has been his wife for twenty years? A No sir, I don't.

Q What district is John Ratt from? A Going to the Sun or Flint I don't remember.

Q Is his wife called Sallie? A I couldn't say.

Q Do you know John Ratt's family? A I know them when I see them.

Q You know their names? A No sir, I don't.

Q Has he got one named Wat? A Yes sir.

Q One named Tobacco? A I don't know that one.

Q What name did this woman always go by? A Tookie is all I know. Some people call her Tookie Pigeon.

E.C. Rothenberger, being duly sworn, states that a stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 11th day of December, 1900

E.C. Rothenberger
H. H. H. H. H.
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 10, 1900.

In the matter of the application of Tuckie Bowlin for the enrollment of herself and one child as Cherokee citizens, she being sworn and examined by Commissioner C. R. Brinkins, testified as follows: Interpreter, J. R. Sequichie.

Q Give me your full name. A Tuckie Bowlin.
Q How old are you? A 22.
Q What is your postoffice? A Welling, I.T.
Q In what district do you live? A Tahlequah.
Q Who is it you want to enroll; yourself and family? A Myself and one child.
Q Have you got a husband? A No sir.
Q Are you a full blood Cherokee? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father. A Martin Bowlin.
Q Is he dead? A He's living.
Q Give me the name of your mother. A Jennie.
Q Is she alive? A No sir, dead.
Q Give me the name of this child? A Willie Harlin.
Q This child is two years old, isn't it? A Yes sir.
Q Is the father of this child a Cherokee or a white man? A He's a Cherokee.
Q Has she ever borne the name of Harlin? A No sir.
Q Were you called Jessie? A Yes sir.
Q Was your mother called Ann? A My mother was named Jennie. His present wife is named Annie.
Q Did your mother die when you were a baby? A I was just a little child.

Witness, Betsey Gass, sworn, testified as follows through Interpreter J. R. Sequichie-

Q What is your name? A Betsey Gass.
Q Are you a full blood Cherokee? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes.
Q How old are you? A 49.
Q What is your postoffice? A Welling.
Q Is this woman here your granddaughter? A Yes.
Q What is her name? A Tuckie Bowlin.
Q Was she ever called by any other name than Tuckie? A They call her Jennie.
Q How old was this woman when her mother died? A Just a little child.
Q What was her step-mother's name? A Annie.
Q Was her father named Martin Bowlin? A Yes sir.
Q Did he have a child named Dian Bowlin? A Yes sir.
Q Did he have a child named Charles Bowlin? A Yes sir.
Q Did he have a child named Jesse, a boy? A Yes sir.
Q Did he have anymore children? A This child.
Q And that's all? A Yes sir.
Q Was Dian a girl? A Yes sir.
Q He had two boys and two girls? A Yes sir.

Commissioner to applicant- Q Is that right? A I have three brothers and one sister.

Commissioner to Witness, Betsey Gass-

Q Who is Lucy Bowlin? A That is one of her sisters.
Q Who is Wackie? A One of her sisters.
Q Who is Anie? A That is his wife.
Q Is Jesse a child of this woman, Anie Bowlin? A Yes sir.
Q He's just a half brother to this woman? A Yes.
1898 roll; page 650, #304, Jennie Bowlin, Flint district
1898 roll; page 518, #218, Jennie Bowlin, Flint district

Applicant recalled-

Q Were you ever called Dick? A Yes, that's the way I am enrolled.

2- T.B.

Q Didn't you apply to us once before some place to put you down on this roll? A No sir.
Q Were you ever called Bettie Dick? A No sir.
Q How does it happen that you were called Dick; what made people call you Dick? A I don't know. I had a brother by that name.
Q Have you got a brother named Jim Ratt? A Yessir.
Q Is your brother Charles dead? A He's dead.
Q Was Dian Bowlin your full sister? A No sir.
Q Was Charles Bowlin your full brother? A No sir.
Q Was Jesse your full brother? A No sir; just myself was a child of the first wife.
Q Did you have any full brothers? A No sir.

Witness, Betsey Gass, recalled-

Q Was Charles Bowlin a child of Jennie or Annie? A Of Annie.
Q Who was the mother of Dian? A Annie.
Commissioner- Dian is put down as four years old; Charles is put down here as three years old, and Jesse is put down here as one year old, and this woman gives her age as now 23, showing that she was in 1880, say two years of age.

Commissioner Breckinridge-

The applicant applies for the enrollment of herself and one child. She is identified on the rolls of 1894 and 1896 under the name of Jennie Bowlin, which her grandmother has stated in the course of the evidence to be the name by which she is sometimes called. She states that her mother died before the roll of 1880 was made, and that the Ann Bowlin identified on that roll with her father, Martin Bowlin, was her step-mother. Yet, as shown in the testimony, there are children on the roll of 1880 from one month up to four years of age, who are the children of this Annie Bowlin, and the applicant's age at that time would be say two years. The applicant claims to be a full blood, but she does not look like she was a full blood. It appears that she was refused enrollment in 1880 and apparently is the child of her father by some other woman than the one who is on that roll ~~as~~ as his wife. The children in that family, Dian, four years of age, Charles, three; and Jesse, one; are all said by her to be half brothers and sister; while she claims to have brothers and sisters of other names as shown in the testimony. She will now be listed as a Cherokee by blood on a doubtful card; and when she presents a certificate of birth of her child, Willie Harlin, this child will also be listed for enrollment on a doubtful card as a Cherokee by blood.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 11th day of December, 1900.

E. G. Rothenberger
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wash., D.C., March 13, 1903.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
T. W. Hutchinson for the enrollment of himself and son as citizens of
the Cherokee Nation.

The applicant was notified by registered letter February 10,
1903, that his application for the enrollment of himself and
son as citizens of the Cherokee Nation would be taken up for final
consideration by the Commission at its office in Muskogee, I. T.,
on the 15th day of March, 1903, and that on said date he might
appear before the Commission either in person or by attorney, and an
opportunity would be given him to introduce any additional testimony
in support of his application. The applicant having, this day, failed
to appear on the 15th day of March, 1903, and failing to respond
either in person or by attorney, the case is deemed completed, and
same will be reported to the Commission for final decision based
upon the evidence now on file.

RECEIVED
DEPT. OF THE INTERIOR
MAR 15 1903

W. H. CHASE

T. W. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-927.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 12, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
Tackie Bowlin for the enrollment of himself and son as citizens of
the Cherokee Nation.

The applicant was notified by registered letter February 25,
1902, that his application for the enrollment of himself and child
as citizens of the Cherokee Nation would be taken up for final
consideration by the Commission at its office in Muskogee, I. T.,
on the 15th day of March, 1902, and that on said date he might
appear before the Commission, either in person or by attorney, when an
opportunity would be given him to introduce any additional testimony
affecting his application. The applicant having this day, to-wit:
the 15th day of March, 1902, been called, and failing to respond
either in person or by attorney, the case is deemed completed, and
same will be reported to the Commission for final decision based
upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

Wm. Hutchinson

Department of the Interior,
Commission to the Five Civilized Tribes,
Tusculum, T. T., June 19, 1902.

In the matter of the application of Tuckie Bowlin, for the enrollment of herself and her child Willie Harlin, as citizens of the Cherokee Nation :

TUCKIE BOWLIN, being duly sworn, and examined by the Commission through official interpreter George O. Sanders, testified as follows:

- Q What is your name ? A Tuckie Bowlin.
Q What is your age ? A 23.
Q You formerly applied to the Commission for enrollment as a citizen by blood of the Cherokee Nation ? A Yes sir.
Q You have now come for an explanation of notice received by you from the Commission directing you to appear before the Commission at Muskogee ? A Yes sir.

--Upon an examination of the records of the Commission it is found that the name of Tuckie Bowlin, together with her child Willie Harlin, has been duly listed for enrollment on Cherokee Indian Card D 927.

- Q What is the name of your father ? A Martin Bowlin.
Q Is he living in the Illinois District at the present time ? A Yes sir.
Q What is the name of your mother ? A Jennie Gance.
Q Was your mother living with your father when the roll of 1890 was made ? A No sir.
Q Was your mother married again after she and Martin Bowlin separated ? A Yes sir.
Q Who did she marry after leaving Martin Bowlin ? A Tiesha Gance.
Q Did you live with your mother when you were a baby or did you live with your father ? A I lived with my mother.
Q Did you have a brother or a half-brother named William ? A Yes sir.

--The 1890 Cherokee roll examined and the name of Tuckie Bowlin is found and identified thereon at page 355, # 246, Flint District, as Tiesha Gance, together with her step-father Tiesha Gance and her mother Jincy Gance, at page 355, # 243 and 244, respectively.

H. C. Bagwell, as oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of June, 1902.

H. C. Bagwell.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tuckie Bowlin and Willie Harlin as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 10, 1900, Tuckie Bowlin appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself and her minor child, Willie Harlin, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902, and at Vauhatchie Indian Territory, on June 19, 1902.

The evidence shows that the said Tuckie Bowlin is a Cherokee by blood. She is identified on the 1880 authenticated tribal roll of the Cherokee Nation as Tookah Canoe; on the 1894 pay roll and the 1896 census roll of said Nation as Jennie Bowlin, and on all said rolls as a native Cherokee. The minor child, Willie Harlin, is shown to be the child of Tuckie Bowlin. He is too young to be upon any tribal roll of the Cherokee Nation, but is identified by a birth affidavit on file with this Commission.

It further appears that the said Tuckie Bowlin has resided in the Cherokee Nation all her life, and that she and her minor child, Willie Harlin, were residents of the Cherokee Nation at the date of the application herein. It is considered that the residence of the minor child, Willie Harlin since birth has been that of his mother.

It is, therefore, the opinion of this Commission that Tuckie Bowlin and Willie Harlin should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.
[Signature]
Commissioner.
C. R. Nease
Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 927.

Muskogee, Indian Territory, September 26, 1902.

W. W. Hastings,

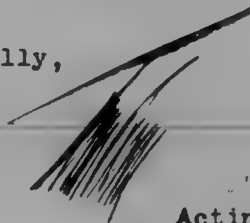
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, granting the application of Tuckie Bowlin for the enrollment of herself and her minor child, Willie Harlin, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. C. No. 27.

IN THE MATTER OF THE APPLICATION OF

Luckie Bowlin Et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

Walter Bowlin et al

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

- 1 Original testimony. Dec 10 1900
- 1 Memo of application. Dec 10 1900.
- 1 Supplemental testimony. Dec 10 1900
- 1 Affidavit of *Walter Bowlin*
Notice of final consideration, 3/12/02

C.

Walter Bowlin et al

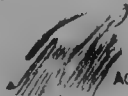
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ACTING CHAIRMAN

Department of the Interior,
Consideration to the Five Civilized Tribes,
Tahlequah, I. . December, 10th 1900.

D.

In the matter of the application of Frank Billingslea for enrollment as a Cherokee citizen. He being sworn before Commissioner Brackinridge testified as follows:-

- Q What is your name? A. Frank Billingslea.
Q Have you a middle name? A. Yes sir "D".
Q How old are you? A. 23.
Q What is your post office? A. Vinita.
Q In what district do you live? A. Dooweeboowee.
Q Who do you want to have enrolled? A. Just myself.
Q Are you a Cherokee by blood? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life except about a year.
Q What have you been doing in that year? A. Working, at Galveston.
Q What were you doing there? A. Working in a restaurant.
Q When did you come back? A. Last week.
Q Have you an engagement to work there now? A. No sir, dont thi I will go back there.
Q Before that did you live in the Cherokee Nation all your life? A. Yes sir except when I was quite a small boy.
Q Is your name on the roll of 1880? A. I dont know.
Q Where did you come from here the first time? A. Paris, Texas.
Q Were your parents or either of them ever admitted by the Cherokee Council or Commission? A. My mother was.
Q What is the name of your father? A. Frank.
Q Is he dead? A. No sir.
Q What is your mothers name? A. Joanna Gillie was her maiden name.
Q Is she dead? A. Yes sir.
Q Was your father a Cherokee by blood? A. I dont know whether he was or not.
Q Was your mother a Cherokee by blood? A. Yes sir.
Q Where is your father living? A. At Vinita.
Q Has he lived there ever since he brought you here when you were a few years old? A. Yes sir.
Q When did your mother die? A. In 1882, or '3
Q When you were a child? A. Yes sir.

1886 roll, page 445, No 389, Frank Billingslea, Delaware Dist.

- Q Have you ever been married? A. No sir.
Q Did you move all your effects to Galveston? A. Didnt have any.
Q Just a youngster looking for a job were you? A. Yes sir.
Q When did you go there? A. November of 1899.
Q Did you go there for the purpose of making that your home? A. No sir.
Q Did you vote at this last election? A. No sir except town elections.
Q Not for the Governor or members of the legislature? A. No sir.

The applicant states that he came to the Cherokee Nation when three years of age and that he has lived in the Cherokee Nation ever since except that in November of last year when he went to Galveston and remained there until about one week ago. He is identified on the roll of 1886 but he does not present at this time official evidence of having been admitted to citizenship by the Cherokee Commission or council. He is not identified on the roll of 1880, nor does he present official evidence of the admission of his father or mother. He states that he did not vote in Galveston in the State or National elections, but that he did vote in Municipal elections there. He will be put listed for enrollment as a Cherokee by blood, but on a doubtful card to await official evidence of admission to citizenship and for the further consideration of his case under the conditions stated.

Frank B. Killingslee R.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Chas von Weise

Subscribed and sworn to before me this 13th of December, 1890.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., March 1, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of
John D. Williamson for the enrollment of himself as a citizen of
the Cherokee Nation.

The applicant was notified under order of February 26,
1902, that his application for the enrollment of self as a citizen
of the Cherokee Nation would be taken up for final consideration by
the Commission at its office at Tahlequah, Okla., on the 13th day of
March, 1902, and that on or before that date he might appear before the Com-
mission, either in person or by attorney, when an opportunity would be
given him to introduce any additional testimony affecting his applica-
tion. Notice has been acknowledged of the Commission's letter, and
the applicant having this day appeared on the 13th day of March, 1902,
been called, and failing to appear, it is deemed that his case is
completed, and soon will be referred to the Commission for final
decision, based upon the evidence on file of record.

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DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

I, Wm. Hutchinson, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes, I correctly recorded the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereof.

R.

C. D-928.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Frank D. Billingslea for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 15th day of March, 1902, and that on said day he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. Receipt has been acknowledged of the Commission's letter, and the applicant having this day, to-wit: the 15th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision, based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Frank D. Billingslea as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on December 10, 1900 Frank D. Billingslea appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on March 13, 1902.

The evidence shows that the said Frank D. Billingslea was admitted to citizenship in the Cherokee Nation on December 2, 1884 by the legally constituted authorities of said nation under the name of Frank Billingslea. The said Frank D. Billingslea is identified on the Cherokee Census Roll of 1896.

The evidence further shows that the said Frank D. Billingslea has resided in the Cherokee Nation since his admission to citizenship except from about November 1899 to November 1900, and that he was a resident of said nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Frank D. Billingslea should be enrolled as a citizen by blood of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 11 1902

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee D 928.

ALLISON L. AVIESWORTH
SECRETARY

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 11, 1902, granting the application of Frank D. Billingslea for enrollment as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against its decision. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 41.

IN THE MATTER OF THE APPLICATION OF

Frank D. Billingslea et al.

FOR ENROLLMENT AS

CHEROKEE CITIZENS

IN THE MATTER OF THE APPLICATION OF

Frank W. Billingsley

OR HEREIN AS

CHEROKEE CITIZENS.

1. Original testimony, Dec 10, 1900

2. Memo. of application, Dec 10, 1900

3. Certificate of Admission (Certified Copy)

4. Notice of final consideration, 3/13/02

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CHARLES W. COOPER.

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VOLUME 10
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Subscribed and sworn to before me this 12th day of December, 1900.

John H. ...

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TANLEIGH, I.T., DECEMBER 10th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles W. Cooper for enrollment as a citizen of the Cherokee Nation, and his appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:

Q What is your name? A Charles W. Cooper.

Q How old are you? A Twenty two.

Q What is your Postoffice address? A Collinsville.

Q Are you a Cherokee by blood? A Yes sir.

Q What degree of Cherokee blood do you claim? A One sixteenth.

Q Do you apply for any one besides yourself? A No sir.

Q How long have you actually resided in the Cherokee Nation?

A I have been out and in; I have not been any one place any length of time.

Q Have you actually made your home here at any time? A Yes sir.

Q For what time? A Four or five weeks at a time some places.

Q How long have you actually resided in the Indian Territory?

A I do not suppose I have been here over three or four months, counting up all together.

Q Where were you living on the 28th day of June, 1898?

A I guess I was in Oklahoma City then.

Q Had you ever been here before that time.

Q Not since I was a little kid.

Q Where were you raised? A In Texas principally.

Q Were you born in the Cherokee Nation?

A I can not say.

Q Why did you not enroll while the Commission was at Bartlesville?

A I was not there then.

Q Where were you then? A Oklahoma City.

Q How long since you came from Oklahoma City to the Cherokee Nation? A A little over two weeks.

Q What are you doing here now? A Working with my father.

Q Where does your father live? A Collinsville.

Q Have you ever been recognized as a citizen of the Cherokee Nation? A I do not reckon I have.

Q Did you ever apply to the Commission to the Five Civilized Tribes for enrollment? A No sir.

Q Did any of your people ever apply? A I do not know, unless my old man did.

Q What is the name of your father? A Cal S. Cooper.

Q Is your father a Cherokee or a white man?

A Claims to be a Cherokee.

Q What is the name of your mother? A Georgia A.

By Mr. W. W. Hastings, Cherokee Representative:

Q What is your father's occupation? A Carpenter.

By the Commission:

Q Was your name embodied in the application made to the Commission to the Five Civilized Tribes, made by Eliza S. Gilliam, in 1896?

A Yes sir.

Q Your name was included in that, was it not? A Yes sir.

By the Commission:

Dares Commission Docket B., Page 234, Cherokee No. 4341, Elizabeth S. Gilliam et al versus the Cherokee Nation: Application filed September 9th, 1896; answer filed, and application denied at Vinita, Indian Territory, November 6th, 1896; Appeal was taken from the decision of the Commission, and the judgment reversed as to one, G. S. Cooper and Charles Cooper.

Q Is the Charles Cooper mentioned in this judgment rendered by the United States Court yourself? A Yes sir.

Q Who is Tennie Cooper? A A sister of mine.
Q Are Dovie and Ethy sisters of yours? A Yes sir.
Q And the C. S. Cooper mentioned in the judgment is your father, is it? A Yes sir.

By Mr. W. W. Hastings, Cherokee Representative:

Q C. S. Cooper is separated from your mother now? A Yes sir.
Q Your mother lives now at Oklahoma City? A Yes sir.
Q She has been living there for the past eleven years? A Yes sir.

By the Commission:

Q Where were you living last November? A I was in Oklahoma City.
Q Did you vote while over there? A No sir.
Q Did not vote for President, did you? A No sir.
Q For congressman? A Yes sir.
Q At the last election? A Yes sir.
Q Whom did you vote for? A Flynn for Congress.
Q How many months have elapsed since you came from Oklahoma to the Cherokee Nation? A A little over two weeks ago.
Q Had you ever been here any time previous to that?
A Some time back; I have been in here.
Q How long did you remain then? A About one month I guess all together.
Q Do you own any property here in the Cherokee nation?
A Not at present; I do not.
Q Did you ever own any? A No sir.

By Mr. W. W. Hastings, Cherokee Representative:

Cases now the Cherokee Nation by its representatives and protests against the enrollment of this man; First, upon the ground that the United States Court for the Southern District of the Indian Territory, sitting at Ardmore, had no jurisdiction over an appeal in citizenship cases against the Cherokee nation; Second, upon the ground of non residence.

By the Commission:

The applicant applies for the enrollment of himself as a citizen by blood of the Cherokee Nation: It is shown by the Dawes Commission records, ~~see~~ according to the page and number as cited in the testimony that the applicant's name was embodied in an application which was made by Elizabeth S. Gilliam et al to the Dawes Commission, in accordance with the Act of Congress approved June 10th, 1896: The application was denied by the Commission: An appeal was taken to the United States Court for the Southern District, where the judgment of the Commission was reversed as to certain persons mentioned in the application: Among those who were granted citizenship by the Court appears the name of Charles Cooper, which the applicant avers is his own name: It appears from the testimony that the applicant has never actually made his residence in the ~~Eastern~~ ~~Sanctuary~~ Cherokee Nation, and that on the 28th day of June, 1898, he was residing in Oklahoma City: It further appears that at the last National election, November, 1900, he voted for Delegate Flynn in Oklahoma.

For the reason that he has never actually resided in the Cherokee Nation, he will now be listed for enrollment as a Cherokee by blood upon what is known as a Doubtful Card: The final decision of the Commission will be communicated to him at his present Postoffice address: Attention is also called to the protest which has been made by the Representatives of the Cherokee Nation present, against the enrollment of the applicant.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

CHARLES V. CONYER.

R. R. Cravens

Subscribed and sworn to before me this 12th day of December, 1908.

[Signature]

COMMISSIONER.

The applicant has notified by mail, dated October 1, 1900, that his application for the enrollment of himself as a citizen of the United States was made on the 1st day of March, 1900, and that on said date he appeared before the Commission at its offices in Chicago, Ill., on the 1st day of March, 1900, and that on said date he was sworn in as a citizen of the United States. The applicant has also notified by mail, dated October 1, 1900, that he has been called, failing to appear, and that the case is completed, and that he will be notified of the Commission's final decision concerning his application by mail.

1805

1, Wm. Hutchinson, to Leroy Curtis, then an associate of the
Commission to the Five Civilized Tribes. I currently possess the
proceedings in this case, and that the foregoing is a true and com-
plete transcript of the stenographic notes thereon.

R.

C. D-929.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Charles W. Cooper for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charles W. Cooper as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 10, 1890, Charles W. Cooper appeared before the Commission at Tallequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13, 1902.

The evidence shows that the said Charles W. Cooper made application to the Commission to the Five Civilized Tribes under the Act of Congress, approved June 10, 1896 (29 Stats., 321), and that the application was denied on November 6, 1896. It further appears from the records of this Commission that an appeal was taken from the decision of the Commission to the United States Court in Indian Territory, Southern District, and the judgment of the Commission as to the said Charles W. Cooper was reversed, and the said Charles W. Cooper was by said Court admitted to citizenship in the Cherokee Nation under the name of Charles Cooper. The said Charles W. Cooper is not identified on any tribal roll of the Cherokee Nation in possession of this Commission.

The evidence further shows that the said Charles W. Cooper has never removed to and in good faith settled in the Cherokee Nation or Indian Territory, and that he was not a resident of said nation or territory on June 28, 1898.

Par. 9, of section twenty-one of the Act of Congress, approved June 25, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for enrollment of Charles W. Cooper as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this JUL 16 1902

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRUSHKIN.

ALLEN E. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-929.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 16, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

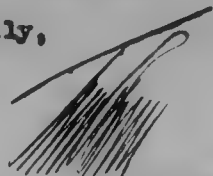
Muskogee, Indian Territory.

Sir:

There is herewith inclosed the decision of the Commission to the Five Civilized Tribes, rejecting the application of Charles W. Cooper for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Inc. H-72.

32N

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 929.

ALLISON L. AVLESWORTH.
SECRETARY.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date July 16, 1902, rejecting the application of Charles W. Cooper for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 19, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

Charles W. Cooper

IN THE MATTER OF THE APPLICATION OF

Charles W. Cooper

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

(1) Original testimony filed 10-19-00

(2) Memo of application filed 10-19-00

(3) Notice of final consideration 3/13/01

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Transferred to R-707

Admission - ~~A~~
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